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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 317th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Morocco

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GE.96-18293 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Morocco (CRC/C/28/Add.1; HRI/CORE/1/Add.23; CRC/C/Q/MOR.1)

1. At the invitation of the Chairperson, Mr. Benjelloun Touimi, Mr. Hamadi, Mr. Tyane, Mr. Moslih, Mr. Benmakhlouf, Mrs. Benjelloun, Mr. Diniel, Mr. Majdi and Miss Bisbis (Morocco) took places at the Committee table.

2. Mr. BENJELLOUN TOUIMI (Morocco), introducing his country's report, said that the Kingdom of Morocco shared to the full the values and objectives of the Convention on the Rights of the Child and was committed to the pursuit of a policy which would enable every child to enjoy his or her rights and to receive the best possible protection. Accordingly, the Government endeavoured to ensure, in harmony of course with its fundamental social and cultural values, that its domestic law was in conformity with the principles and rules established by the international community in the area of human rights in general and the rights of the child in particular. In that context, the ratification of the Convention had constituted an additional incentive for bringing the national legislation into a closer harmony with its provisions and for promoting policies on behalf of children.

3. In recent years, many of the provisions of Moroccan law in the criminal, civil, social and administrative fields, as well as those relating to personal status, had been amended. Many of those amendments concerned the status of children in general or certain categories of young persons such as young offenders and the disabled. At the same time, an ambitious health programme had been set up with the aim of reducing child mortality in general and mortality of children under five in particular. Those activities had been accompanied by major efforts with regard to health education, water quality and sanitation. Maternal and child health programmes had been in effect in the Kingdom of Morocco since the beginning of the 1970s. Through the efforts of the State and the support of various agencies, basic health care had been made more accessible and health indicators had improved. Much remained to be done, however, and the Government was determined to continue and to strengthen its efforts to mobilize the resources necessary to satisfy the health needs of the population.

4. Improved access to education was one of the Government's prime objectives. Not only did it seek to make basic education generally available, but it was making a special effort to stimulate the demand for schooling. Particular attention had been paid in the 1988-1992 and 1993-1997 Action Plans to providing schooling for disadvantaged populations or social groups. Measures had also been adopted to overcome the main obstacles to the spread of schooling in the rural areas, including the difficulty of access to primary schools in remote rural locations, a condition that prevailed in many other countries, the low enrolment ratio there, among girls in particular, and the difficulty of securing a commitment by families to school attendance by their children despite their material problems. That difficulty also was common to many countries, especially in Africa.

5. The Ministry of Education had devised a strategy to reverse the trend in rural school attendance and halt the recent decline in numbers of new enrolments. It was aimed at spreading education at the steady pace set by the Action Plans by making educational services more accessible both physically and economically. With regard to physical infrastructure, the programme called for expanding the network of schools to all communities of 300 inhabitants or more and providing them with school canteens and housing for the teachers. The aim was to reduce the long distances that pupils often had to travel and to cut down substantially the number of drop-outs, especially among girls.

6. The economic strategy included subsidies to offset the expenses of schooling to the family, in particular by setting up a scheme for renting school books and supplies or selling them at low cost. It also sought to lessen the impact on family earning power by making the school year more flexible in order to adapt it to local requirements. Lastly, the strategy called for a real partnership between local authorities and initiatives and the Government. Local communities were being asked to contribute to the efforts of the Ministry of Education by contributing to information campaigns, facilitating the acquisition of land on which to build schools and encouraging any action designed to improve the working conditions of students and teachers.

7. Lectures on human rights had been offered for some years to persons attending higher training establishments such as the school for further training of officials of the Ministry of the Interior, the police training school, the Military Academy and the Institute of Judicial Studies. More recently, the Ministry for Human Rights had agreed to cooperate with the Ministry of Education in the teaching of human rights principles in primary and secondary schools and an advisory body consisting of lawyers and teachers had been set up to draft an action plan for introducing education on human rights into the Moroccan educational system. Advice had been requested from the Centre for Human Rights and a mission was currently visiting Rabat to take part in formulating a project.

8. In conclusion, he emphasized that, despite its limited resources, the Government had made tremendous efforts to improve the lives of children and to secure real advances in all fields relating to childhood. Much remained to be done, but the country was determined to spare no effort to overcome the many obstacles which still lay in the way of the full enjoyment by all Moroccan children of all the rights to which they were entitled.

9. Mrs. SARDENBERG said that Morocco was to be congratulated on its initial report, particularly its compliance with the guidelines, and on the comprehensive written replies to the list of issues. On reading the report, however, she had found some disparity between the various chapters, some of which were very dense and informative, while others were more sketchy. The general impression none the less was of a country that was trying hard to modernize and to live up to its commitments in the international area, while at the same time recognizing that much remained to be done. The dialogue with the Committee would concentrate on those areas in which improvements were needed, on how the Committee could help in that connection and on the way in which international cooperation could act as a catalyst.

10. As far as general measures of implementation were concerned, she noted that it would appear from the core document that publication of the Convention in the Official Gazette was necessary for it to be implemented. She asked whether the text of the Convention had been so published and if not, why. She also asked how the different sectors of the Government concerned with the rights of children were coordinated and how decisions were taken. She noted that while there was a Ministry for Human Rights, the focal point for action appeared to be the Ministry of Employment and Social Affairs. At the same time, there would seem to be some monitoring mechanism. She would like to know how all those different bodies were related and what the mandate of the human rights advisory council was. She asked whether there was an effective relationship at the moment between the Government and NGOs and what the position was with regard to public opinion. Was it generally thought that swift progress had been made in promoting the rights of the child or was it felt that more effort was needed and that civil society should be more closely involved?

11. Mr. HAMMARBERG said that, although the report had been drafted in accordance with the guidelines and the written replies to the list of issues were clear and concise and full of facts, the legal status of the Convention was still not quite clear. There were two ways in which the Convention could be reflected in national legislation: it could itself become a part of that legislation or new laws could be enacted in order to reflect its standards. The trend in Morocco seemed to be that the Convention was regarded as part of domestic law, but he would like that point to be clarified.

12. The structural mechanisms whereby the rights enshrined in the Convention were made effective were also important. It was essential, to that end, that there should be effective coordination between the ministries concerned. One helpful approach was to appoint an inter-ministerial committee having high status within the Government. There should also be a constructive dialogue between the Government authorities concerned and civil society in the shape of NGOs. He would like to know whether any mechanism to that effect had been set up in Morocco. A third approach was to appoint an independent body or person to monitor the situation. The idea seemed to be spreading throughout the world of the need for an independent body to monitor the work of the authorities and report on a regular basis, perhaps to parliament. Had Morocco taken any steps in that direction? All three approaches must extend to the regional and local level as well and he would like a description of the system in that regard. Lastly, he asked how the Committee's draft conclusions and recommendations would be presented in Morocco, what forum they would be discussed in and what use would be made of them.

13. He noted that the Moroccan Government had formulated a reservation to article 14 of the Convention and asked whether there was any possibility that it might be withdrawn, in keeping with the spirit of the Vienna Conference.

14. Mrs. KARP congratulated the Government of Morocco on the composition of its delegation, particularly the high-level representation of the Ministry of Justice. It would be valuable to hear from Mr. Moslin how the Convention was working in the courts in day-to-day situations. The establishment of a special Ministry for Human Rights seemed a very positive development, but she would like to know what status it enjoyed in respect of the other ministries

and whether it had powers to formulate and enact policies or only to make recommendations. She also asked whether it had offices in the field or only in the capital city. She understood from the report that the National Congress on the Rights of the Child had been declared a permanent institution. Was it simply an annual occasion for discussion and study or did it have real authority in the field?

17. Regarding cooperation with NGOs and other bodies, she asked to what extent the activities of NGOs or agencies such as UNICEF were taken into consideration in formulating policies and programmes for children. How far did the Government's plans depend on the existence of UNICEF and other projects and what prospect was there of their adoption as Government projects? She asked whether the recommendations of the Moroccan League for the Protection of Children and the National Conference on the Rights of the Child had been fully adopted and, if not, what problems had been encountered. She would also like to know in greater detail how far the rights set out in the Convention had become the more among the people, in school and in the family, and what more was being done to make them aware of those rights.

18. Miss MACAO asked whether any mechanisms existed in Morocco to enable children themselves to participate in implementation of the Convention.

19. Mr. PRADO VALLEJO noted from paragraph 18 of the report that the Government was trying to allocate sufficient resources to meet children's basic needs in health and education "within the limits of available means". However, article 4 of the Convention required States parties to take such measures "to the maximum extent of their available resources" which implied the possibility of a budgetary reallocation. Had any attempt been made to make such a reallocation or was one planned for the future?

20. Article 4 also called on States parties to undertake "all appropriate legislative, administrative and other measures" to implement the rights recognized in the Convention. That meant that all those working with children needed to be aware of the existence of the Convention and of the fact that children had rights of their own. Was the text of the Convention made available to the courts and were any instructions given to judges, police, social workers, teachers and doctors about the rights which belonged specifically to the child, since it was not the case, as some Governments claimed, that the rights of citizens were automatically applicable to children?

21. The CHAIRMAN invited the delegation of Morocco to reply to the questions raised.

22. Mr. BENJELLOUN TOUIMI (Morocco) said that his delegation appreciated the interest shown by the Committee in his country. He was sure the debate would help to improve the implementation of the Convention in Morocco.

23. It was true that, as had been pointed out, there were disparities between the various chapters of the report; that was because it had sometimes been difficult to obtain all the information requested.

22. The Convention had not yet been published simply because there was already a backlog of pending legislation awaiting publication. However, that did not mean that it was not being implemented; other conventions that had not yet been published, particularly relating to the environment, were already in the process of implementation.

23. Mr. BENMAKHLOUF (Morocco) confirmed that publication in the Official Gazette was not a precondition for the implementation of the provisions of conventions which Morocco had signed and ratified. In fact, according to Moroccan case law, any convention to which Morocco was a party, even if not published, was considered to be part of domestic law and would be applied by the courts. He pointed out that, in any event, article 49 of the Convention stated that the Convention's provisions would enter into force automatically on the thirtieth day after the deposit of the instrument of ratification or accession.

24. In reply to the question whether there was coordination between the various Government departments in implementing the provisions of the Convention, he said that the Children's Division of the Ministry of Employment and Social Affairs and the Children's Division of the Ministry of Youth and Sports were working together to protect the rights of children, although in such a way as to avoid duplication of effort. In addition, the establishment of the Ministry for Human Rights in 1992 had meant that the protection of human rights in general, and of the rights of the child in particular, now formed an integral part of Government policy.

25. A number of members of the Committee had asked what role was performed by the Ministry for Human Rights. Its task, or rather its long-term strategy, was to establish a "human rights culture" in the country. In particular, it dealt with complaints from members of the public who believed their rights had been infringed and saw to it that such complaints were investigated.

26. The imbalance that had been noted between the different chapters of the report was due to the imbalance between the different provisions of the Convention: some provisions were very specific and called for detailed replies, backed up by statistics, whereas others were more general and concerned with matters of principle.

27. The work of the Ministry for Human Rights was based on ongoing consultations with non-governmental organizations. Thus, when Morocco's initial report was being prepared, all non-governmental organizations had been asked for their comments, which had been taken into account. The Ministry acted as a de facto coordinator of the various programmes relating to children being carried out by the relevant divisions of other ministries. Its task was to ensure that those ministries made sufficient provision in their budgets for those programmes to be put into effect. Any problems that arose could, as a last resort, be resolved at a Council of Ministers, presided over by the Head of State.

28. Mrs. BENJELLOUN (Morocco), replying to the question raised by Miss Mason, said that, since its establishment, the Ministry for Human Rights had done its utmost to ensure the participation of children in its work. Recently, an "International Children's Day" had been held on radio and television, in which

children had had the opportunity to put questions directly to the Minister for Human Rights and the representative of UNICEF. The twenty-fifth of May had been declared the National Day of the Child and, on that day, the Moroccan League for the Protection of Children had held an open day on which children had been encouraged to ask questions about their rights. The Ministry was cooperating with UNICEF in a programme for disseminating information about the Convention, which would include visits to schools to tell children about their rights. It also had a programme designed to convey information about human rights, particularly the rights of women and children, to the peoples of the Maghreb.

29. Mr. MOSLIH (Morocco) said that children's rights had been protected in Morocco well before the adoption of the Convention in 1989. Morocco had been an Islamic country for the past 1,400 years and, during that time, a wide range of children's rights had been recognized and protected under the Koran, Shariya law and various subsequent writings on those and other texts. He himself was engaged in preparing a detailed review of the various texts covering the rights of the child under Moroccan law, which would be made available to the Committee in due course.

30. In reply to Ms. Sardenberg, who had asked whether the fact that the Convention had not been published in the Official Gazette or in the press affected its application in the country, he said that the Moroccan Supreme Court, whose decisions were binding on all courts, had already ruled in a number of cases of contradiction between an international convention and a national text that the international convention should prevail. There was thus no doubt that the Convention was being applied in Morocco. However, a considerable body of legislation dealing with matters relevant to the rights of the child, either taken over from the period of the French Protectorate or adopted following independence in 1955, had already existed in Morocco before the adoption of the Convention. A compilation of these texts, set out in chronological order, had been prepared in collaboration with the Moroccan Society for the Support of UNICEF and published in French and Arabic. Copies were available to the Committee. The texts in question were at present in course of adaptation to bring them into line with international conventions.

31. In response to Mr. Hammarberg's question on article 14 of the Convention, he said that the Moroccan Constitution stipulated that the religion of the State was Islam, but guaranteed freedom of religion to all citizens without reserve. Both Christians and Jews were free to practise their religion in their own places of worship throughout the country and did in fact do so. A study reviewing existing Moroccan legislation in the context of each article of the Convention had recently been published with the assistance of the Moroccan League for the Protection of the Child and was available to the Committee in French and Arabic.

32. In reply to Ms. Karp's question, he said that the Convention was applied in conjunction with national legislation. In any case of child abuse brought to the notice of the authorities, the public prosecutor's office would unhesitatingly institute proceedings against the person or persons responsible, even the parents of the child concerned. However, the public prosecutor's office could intervene only where such notice had been provided.

33. To reply to a question from Mr. Kolosov, he said that existing laws were amended or expanded from time to time. In September 1993, changes had been made to the legislation concerning the civil status of children. In addition, a bill which was in preparation and was expected to be adopted shortly would authorize the placement of delinquent children in care institutions and provide for the creation of such institutions.

34. The training of juvenile court judges had been introduced 15 years previously; courses on the rights of the child and the rehabilitation of delinquents were given at the Institute of Judicial Studies. Increasing numbers of judges were taking an interest in dealing with children's cases, which had been considered of little interest in the past. However, until the care institutions provided for in forthcoming legislation had been put in place, judges would not be able to provide adequately for the rehabilitation of delinquent children.

35. Mr. HAMADI (Morocco), replying to Mrs. Karp, said that the Moroccan League for the Protection of the Child applied its recommendations throughout Morocco, in particular at the local level and with special attention to rural areas. The League had a central office in Rabat and some 20 regional offices. Each region had a regional president and a committee working with the local health and administrative authorities. The League's activities included running child care centres, taking care of abandoned children, providing child health-care clinics with 24 hour access, involvement in sport, recreation and holiday homes, combating illiteracy in rural areas and promoting the concept of a well and a school for every village. The League was a non-governmental agency financed by the Ministry of Health.

36. Mr. DINIEL (Morocco) said that the role of the National Congress on the Rights of the Child was to monitor the implementation of the Convention. It operated in a flexible manner as a standing body and brought together all parties in Morocco, with an interest in children's rights, such as the relevant Government departments, non-governmental organizations, civil associations and international organizations. UNICEF was considered the lead international organization since it had assisted in the establishment of the Congress and had been represented at its first two conferences. The Congress operated through the medium of a number of commissions dealing with various matters covered by the Convention; one such commission dealt with legislative matters and the remainder were concerned with various aspects of work in the field. The commissions worked throughout the year, but did not have a permanent staff, as officials, experts and consultants were seconded to them. After studies and evaluations had been made and a consensus reached at the highest level of the Congress, members of the Government were alerted to any need for specific action. Activities were also undertaken in cooperation with non-governmental organizations. The Congress also undertook some activities itself, such as conducting surveys of children's needs or reviewing legislation. The Congress was neither a purely Government body nor a social organization, but something between the two. Much work was currently under way to set up mechanisms for monitoring matters relating to the rights of the child and providing information on the subject through the media and the schools, and more specifically through the publication of a Journal of the

Child. In its short existence, the Congress had succeeded in bringing issues related to the rights of the child to the attention of the highest Government officials.

37. The CHAIRPERSON said that Morocco was to be commended on the efforts it was making to review and compare legislation. That was a continuing process, since attention had to be given to ensuring not only that national legislation was in conformity with the Convention, but also that national instruments continued to be adapted to take account of the situations faced by children both at present and in the future.

38. Mrs. KARP said it was always interesting to learn that much of the culture, religious practices and traditions of a country were already in line with the principles of the Convention. However, she wondered whether any inquiry was being made into acceptance - in particular in religious practice - of the new principles embodied in the Convention, namely, that the child was not only to be protected, but to be accepted as a human being with its own rights. For example, the right of participation or the right for a child's opinion to be taken into consideration were sometimes difficult for traditional views to tolerate.

39. Was the National Congress on the Rights of the Child a statutory body or was it attached to a Government department? Did it have its own budget? What was the relationship between the Congress and the Ministry for Human Rights? Did that Ministry have a special department dealing with children's rights? If not, was establishment of such a department under consideration?

40. Mr. SANDBERG said it was a general rule that countries already had legislation for the protection of the child in place before adoption of the Convention. What was new was the agreement of Governments throughout the world that children should be treated according to certain universal standards. There had also been recognition that countries could learn much from each other's experiences. The reason for many of the Committee's questions was to help in that process of learning how to improve the actual situation of children. The problem was perhaps that detailed discussions of principle and legislative reform solved few of the real-life problems faced by children. That explained the Committee's desire to identify as many of those problems as possible, learn how they were influenced by traditional attitudes and find out what the opportunities were for change in such attitudes, given the existence of the Convention, in order to enhance the status of children.

41. Since he understood from Mr. Moalin that freedom to practise religion existed in Morocco and was protected by law, he asked what Morocco found so objectionable in article 14 that, unlike the other Islamic countries in the same region, it felt it necessary to formulate a reservation on the issue.

42. He asked for further clarification on the point raised by Mr. Kolosov about budget trends and asked whether there were any governmental mechanisms for ensuring discussion of the effect of proposed national budgets on children. Some countries had begun to provide such information as an appendix to the national budget. Furthermore, was there any system of independent monitoring to determine measures that might encourage further discussion of children's issues?

43. Each country should have a clear idea of how it intended to change public attitudes in favour of the rights of the children. He suggested that high priority should be given to training so that children would be taught to respect the spirit of the Convention. Another approach to reinforcing positive attitudes would be for persons in highly visible and influential positions to take strong public positions on issues such as school attendance by girls and domestic violence.

44. Mr. KOLOSOV said that the promulgation of the Convention was a prerequisite for its implementation and application in daily life. There was no obligation for any person, whether natural or legal, to apply the provisions of an international instrument if that instrument had not been promulgated and published. He therefore concluded that the Convention on the Rights of the Child could not be applied in Morocco before the process of publication had been completed.

45. The Moroccan delegation had stated that most of the provisions of the Convention had been reflected in existing national legislation or in amendments and new legislation. The Convention was, however, a holistic instrument to be implemented in its entirety.

46. He asked whether judges at all levels were in possession of the text of the Convention, with instructions and recommendations on how it should be applied. He would also like to know whether police officers and medical doctors were aware of the rights of children.

47. The wording of Morocco's reservation to article 14 was not as simplistic as it might seem. There was nothing in the Moroccan Constitution that guaranteed freedom to choose one's religion and it could be deduced from the reservation to article 14 that persons were free to worship Islam and that the legislation supported only Islam. Since other religions existed in Morocco, he was therefore concerned about the protection of the rights of persons of different religious persuasions. The Committee looked forward to the revision of the Government's attitude towards article 14 and the withdrawal of its reservation.

48. Mrs. SARDENBERG appealed to the Government of Morocco to deal with the crucial issue of the promulgation of the Convention. Failure to do so would send the wrong signals to the international community and give rise to doubts about the Government's commitment. Official endorsement of the Convention would pave the way for its full implementation.

49. With regard to coordination, she was interested in the approach taken by the Ministry for Human Rights as a body which identified issues to be dealt with by sectoral departments.

50. She asked about the role of Parliament and whether members of the House of Representatives made proposals relating to the implementation of the Convention. Such action would play a catalytic role in influencing basic attitudes towards the rights of children.

51. Mrs. KARP said that freedom of religion included freedom to choose and change one's religion. No interpretation of such freedoms could restrict it

to the possibility of holding one specific religion. The reservation to article 14 indicated that the Government of Morocco did not have an answer to the question of the extent of a child's freedom in determining his religion. The existence of the reservation cast doubts on the enjoyment of freedom of religion in Morocco. She therefore urged the Government to reconsider the reservation.

52. She asked whether there were mechanisms to monitor or involve local authorities in the National Plan of Action and in the Government's policy on issues relating to children.

53. The CHAIRPERSON stressed the importance of the dissemination of the Convention. She wondered whether the perceived lack of balance in the report could be attributed to an inappropriate system of data collection and, in that regard, she asked how the Government planned to establish permanent machinery to improve data collection.

54. Referring to the reservation to article 14, she reminded the Moroccan delegation that the Convention was intended to apply to all children living within the territory of a Member State. The Committee needed further information on how the Government planned to ensure that the Convention applied to foreign children living in Morocco.

55. Mr. BENJELLOUN TOUIMI (Morocco) said that Morocco attached great importance to the status of children and that his delegation welcomed the Committee's recommendations and thought-provoking questions.

56. The regrettable delay in the publication of the Convention had been caused by technical problems. Every effort would be made to remedy that situation.

57. Turning to the reservation to article 14, he said that Moroccan laws were based on religious law. He therefore did not believe that the Government would change its laws, as they were appropriate to the specific situation in his country. Each of the country's religious groups was guided by its own laws. No one was forced to become Muslim. There was, however, no possibility that a person born a Muslim might change his religion because such an act would be contrary to the principles of basic Muslim law. A proposal that that law should be changed would be totally unacceptable to Moroccan society.

58. He thanked the Committee for drawing attention to the issue of inadequate data collection systems in Morocco and assured it that his Government would make every effort to solve that problem. It was thanks to the Committee's consideration of its reports that countries such as his own could learn to identity priorities in order to make progress and contribute to the development of international legislation.

59. The CHAIRPERSON said that the Committee looked forward to the publication of the Convention in Morocco's Official Gazette.

60. With regard to Morocco's reservation to article 14, she pointed out that it was within the Committee's mandate to explain the interpretation of that article as it applied to all countries. It was not up to individual countries

to interpret the Convention as they saw fit. States were allowed to formulate reservations, provided that such reservations did not conflict with the Convention's aims and objectives. She suggested that the discussion of the reservation should continue when the Committee considered issues relating to the civil rights of children, including the right to freedom of expression. Flexibility was certainly one of the keys to understanding and the Committee might find that the problem lay with the wording of the reservation.

61. Miss MASON said that she would like to know which legislation was applied in dealing with non-Muslims who did not obey Moroccan law.

62. Mr. BENJELLOUN TOUIMI (Morocco) said the Code on Personal Status applied to matters of family law, personal status and inheritance. In other areas, Moroccan law applied to all Moroccans and, for certain activities, to all residents.

The meeting rose at 1 p.m.

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GE.96-18303 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Morocco (continued) (HRI/CORE/1/Add.23 and CRC/C/28/Add.1; CRC/C/Q/MOR.1 (list of issues); written replies by the Government of Morocco with no document symbol, in English and French)

1. At the invitation of the Chairperson, the Moroccan delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on section II of the report, dealing with the definition of the child.

3. Mr. KOLOSOV asked why the Moroccan Government, in paragraph 3 of its core document (HRI/CORE/1/Add.23), gave statistics for the population under 15 years of age, whereas the age of civil majority in Morocco was set at 20 years. Furthermore, in paragraph 35 of the report (CRC/C/28/Add.1) the Gregorian calendar was employed in the definition of the status of abandoned children and he would like to know whether that calendar was also used to determine the age of civil majority, as referred to in paragraph 34. Lastly, the Convention provided special protection for children under 18 years of age and he sought clarification about the treatment of children aged between 18 and 20 years, in view of the fact that Morocco had not made a declaration extending the protection afforded by the Convention to young people who had attained the age of civil majority. In practice, did those young people receive the same protection as other categories of the population?

4. Miss MASON asked the reason for the difference between the age of majority for criminal matters, which was set at 16 years, and the age of civil majority, which was 20 years. She would like to know whether children between 16 and 18 years of age were treated as adults in criminal matters. There were disparities in the rights recognized for boys and girls, and she wondered on what grounds that distinction was made. In her view, the difference in the legal age for marriage (15 years for girls, 18 for boys) also constituted negative discrimination against girls. The Government's replies indicated that, on marriage, a girl automatically obtained emancipation. Did that mean that she enjoyed all the rights connected with civil majority, including the right to vote? Lastly, was there any pressure group working specifically to have the legal working age raised from 12 to 14 or even 15 years?

5. Mrs. KARP, referring also to the question of the age for marriage, drew attention to the negative effects that premature marriage might have on young girls, in particular withdrawal from school, interrupted development or early pregnancy. She would like to have information on the number of girls married at 15 years of age or earlier, in view of the fact that derogations were possible with the permission of a judge or religious authority. What steps were being taken to change attitudes in that regard? On the question of health care, she noted that in Morocco a minor had to obtain the consent of his parents before consulting a doctor. There were cases where direct and personal guidance was necessary, for instance in matters relating to sex or

drugs. She would therefore like to know whether any counselling services were available to meet such needs and whether it was planned to lower the age at which the consent of the parents was obligatory to 15 or 16 years.

6. Mr. BENJELLOUN TOUIMI (Morocco) said that the amendment of the Code on Personal Status (moudawana) lowering the age of civil majority from 21 to 20 years had been extensively debated. During that debate, many speakers had called for the age of majority to be set at 18 years. The current age had been deemed more reasonable, however, in the light of Morocco's situation. Nevertheless, in criminal matters, the treatment of a 12-year-old child would obviously not be the same as that for a child of 16 years of age. It was for the judge to assess criminal responsibility bearing in mind the offender's age, as was the practice in other countries. As far as medical consultations were concerned, Morocco was certainly endeavouring to adapt to changes in society, but its economic difficulties meant that it had to focus on a limited number of priorities. An encouraging sign, however, was that civil society was clearly playing an increasing part in addressing modern problems to mitigate the Government's inadequacies in certain areas.

7. In reply to the question from Mr. Kolosov, he said that the Gregorian calendar was used to determine the age of civil majority, as well as all other legal ages in Morocco. The fact that the age of majority had been set at 20 meant that any non-emancipated person below that age was considered as a minor, with all the legal consequences that involved. In that regard, the national legislation followed a number of the provisions of the Convention.

8. Mr. MOSLIH (Morocco) said that the national legislation defined the age of responsibility in various matters for specific purposes. Thus, the age of civil majority was set at 20 years in order to protect the child, as it was felt that before that age a child was not sufficiently mature to look after his own interests, particularly in financial matters. The age of criminal responsibility had been set at 16 years to protect society's interests. Regarding children under 16 years of age, the provisions of the Convention and those of national criminal law were identical. As for children between 16 and 18 years of age, article 14, paragraph 2, of the Code of Criminal Procedure contained a provision whereby the judge could grant such children - depending on their personality and the circumstances of the offence - the same treatment as minors under 16 years of age. Lastly, the legal age for marriage had been set at 15 years for girls because that corresponded approximately to the age of biological maturity, which was earlier for girls than for boys. In practice, girls married much later, after 20 or even 30 years of age. Marriages at 15 were very rare. A minimum age had been set with a view to protecting girls in rural areas, who had often married at the age of 10 or 12.

9. Mr. HAMMARBERG noted that current Moroccan legislation allowed for the possibility of marriage at 15 years of age and that, as had been pointed out at the International Conference on Population and Development held at Cairo, might constitute a factor of discrimination against girls. The concept of biological majority, which was itself now being called into question, was not the only consideration. To be a mother, a girl also had to possess the social and psychological maturity needed to bring up a child. Any change in that regard was obviously a delicate matter, but he believed that the social message of legislation was an important factor in development.

10. Miss MASON said that she wished to revert to the provision whereby a girl automatically acquired emancipation on marriage. Did it follow that she obtained civil majority immediately, or would she have to wait until she had reached 20 years of age? If the Government were to raise the minimum working age to 15 years, would it at the same time consider ratifying ILO Convention No. 138 concerning the minimum age for admission to employment?

11. Mrs. KARP noted that 90 per cent of girls who married before the age of 18 were from rural areas. That indicated that there was need not only for an amendment of the law relating to marriageable age, but also for campaigns to raise awareness, particularly in the countryside. On the subject of health, she wished to raise the question of pregnant girls who were forced to marry. What happened to those of them whose health would be endangered by childbirth, and whose parents refused to allow them to have an abortion? Was it their health or the wishes of the parents that prevailed?

12. Mrs. SARDENBERG said that, in order to overcome the discrimination against girls which derived from tradition, religion or the difference in levels of education between the countryside and urban areas, efforts to modernize Moroccan society and harmonize its legislation should be continued. She asked whether the Government had undertaken any studies to find out how society would react to far-reaching reforms.

13. Mr. BENJELLOUN TOUIMI (Morocco) said he recognized that boys and girls were not treated in exactly the same way in his country, but social change was nevertheless taking place. In 1958, Moroccan law on personal status and succession had been extensively amended, while still taking account of Islamic law, despite the reservations of society in general. Today, the Human Rights Advisory Council was calling for the age of admission to employment to be set at 15 years. Such progress was very small but it did exist, even if legislation relating to the child did not yet fully conform to the provisions of the Convention. While agreeing with the Committee that society should be encouraged to address children's issues if it was to move forward, he wished to stress the need to take account of existing traditions.

14. Mr. HAMADI (Morocco) said that in health services, in both the public and the private sector, general practitioners, gynaecologists, endocrinologists, dermatologists and paediatricians, as well as trained paramedical and nursing staff, all gave children information on matters concerning sex. In addition, there were public information programmes in Morocco on that subject as well as concerning AIDS prevention.

15. In Morocco, drug addiction was not a scourge. The service responsible for mental and degenerative disease control in the Department of Epidemiology and Disease Control of the Ministry of Public Health was conducting a national action programme. In addition, the National Committee for Drug Addiction Control was represented in every prefecture in the Kingdom. It was under the direction of the prefect, the health authorities and local authorities, and met weekly. The King had recently established a development agency for the northern region, which would support the Ministry of Health in the prevention of drug abuse. Furthermore, the hospital system, the school and university

health and diagnostic centres, and local centres, where people could ask for information while remaining anonymous, were all taking part in the fight against drug addiction.

16. Abortion was prohibited in Morocco. However, termination of pregnancy for therapeutic reasons, when the life of the mother was in danger, was a medical obligation. Single girls who were expecting a child without their parents' knowledge could receive medical attention and give birth free of charge in health centres. They would then be encouraged to keep the child. If they preferred to give up the child, it would be taken into the care of public bodies, such as the Moroccan League for the Protection of Children, which would arrange for its adoption.

17. The CHAIRPERSON welcomed the Moroccan delegation's willingness to engage in dialogue. However, it should be pointed out that the Committee wished to know not only about what progress had been made in the implementation of the Convention, but also about what difficulties were being encountered in that respect by the Government, so that it could make useful suggestions. There was thus a need for a spirit of self-criticism. Islamic law, under which the principles of Islam applied at all times and in all places, was occasionally difficult to reconcile with the provisions of the Convention. That was the case with the law on succession, which determined the proportions of an inheritance to which boys and girls were entitled. Thus, taking account of the best interests of the child and of the principle of non-discrimination was no easy task in matters of succession, but it should be recognized that, in other fields, the Governments of Islamic countries had more latitude.

18. The Committee could make useful suggestions as to how the Moroccan Government might speed up the process of legislative reform currently under way. There was also need to change society's attitude to children, and more public information and awareness-raising campaigns should be therefore carried out with a view to improving the situation of women, and hence of children.

19. She invited the delegation and members of the Committee to take up the questions on the list of issues relating to general principles and civil rights and freedoms.

20. Mr. KOLOSOV, referring to paragraph 3 of the core document (HRI/CORE/1/Add.23), said that he would like information on the number of inhabitants of Morocco under 20 and on budgetary appropriations for that age group.

21. Mr. HAMMARBERG remarked that the replies given in the report on the subject of non-discrimination were very brief. Referring to the reply to question 13 on the list of issues (CRC/C/Q/MOR.1), he noted a difference of treatment between boys and girls in the field of education, to the detriment of girls marrying early, who risked having to give up their schooling. Also, children living in rural areas did not have the same opportunities for access to education as those in the towns. He would like to have information on disabled children and on the steps being taken by the authorities, particularly at the local level, to give them an education and to change public attitudes towards them. In his view, far-reaching and systematic campaigns should be launched to raise public awareness in that area; no such

campaigns were mentioned in the report or in the replies. Lastly, on the subject of the best interests of the child, the Convention aimed in particular to protect children when economic interests or the interests of the parents or of national security ran counter to the welfare of the child. That should be a basic concern of the Government and reflected in its budgetary policy.

22. Mrs. KARP said she found that girls in Morocco were not treated on an equal footing with boys. The statistics on literacy gave her the impression that there were two different countries, rural Morocco and urban Morocco. She would like to know what policies and strategies had been put into effect to remedy the disparities in that regard.

23. Children born out of wedlock did not appear to have the same rights as other children. However, she was pleased to note that, following an amendment of the legislation, the fact that a child had been born out of wedlock was no longer stated on its birth certificate. She would like to know what further steps the Government was planning to take to change attitudes, in keeping with the spirit of the Convention. The delegation could perhaps quote specific cases in which the best interests of the child had been at variance with the interests of the parents, and how the courts had interpreted the Convention. She also asked what was being done in Morocco to take into consideration the views of the child and to raise public awareness in that regard. Lastly, could children exercise their right to privacy within the family?

24. Mrs. SARDENBERG, referring to the reply to question 12 on the list of issues, said that she would like to have more information on data collection systems, and on how the authorities used such data to formulate effective policies. She welcomed the measures taken to implement the general principles set forth in the Convention, but felt that they should be better integrated with a view to combating discrimination against girls in rural areas and against children of disadvantaged families. She would encourage the Government to apply the strategies proposed by UNICEF in that area and to demonstrate more clearly, at the political level, that it regarded the rights of children as a major priority.

25. Miss MASON said that the Convention allowed every country to preserve its culture and traditions, and that the Committee sought to promote conformity with the provisions of the Convention rather than uniformity. The Convention was an innovative text in no way designed to weaken parental authority, but aimed rather at helping parents to give their children a better preparation for adult life.

26. She asked whether the views of the child were taken into consideration only in the judicial sphere. In that regard, she would like to know whether steps had been taken to make people more aware of the need to prepare children for adulthood and to take account of their views, and how the people reacted. Could the delegation give additional examples, besides those cited in the report (CRC/C/28/Add.1), of cases in which the views of the child had been taken into consideration in the courts? In the case of abandoned children, were the views of girls taken into account in the same way as those of boys at the time of adoption? Did the authorities encourage children to help one another, particularly in the most disadvantaged rural areas?

The meeting was suspended at 4.35 p.m. and resumed at 4.45 p.m.

27. Mr. BENJELLOUN TOUIMI (Morocco) said that the Moroccan authorities would endeavour in the future to provide statistics on children aged between 15 and 20 years, i.e. those not having reached the age of civil majority. The statistical services had made considerable progress and a large amount of data could now be obtained through Internet. As in other developing countries, there was some inequality between urban and rural areas, which affected not only children's rights. In that regard, Morocco had adopted a strategy which was defined in the UNICEF country programme. The aim of the recent constitutional amendments was to create decentralized areas enabling local populations to resolve their problems more easily.

28. With regard to the best interests of the child, the innovations brought by the Convention had to be examined carefully to avoid the risk of weakening parental authority and giving the impression that traditional values were being called into question. The Moroccan authorities were endeavouring to publish and study the case law of the courts at all levels, but much still remained to be done. UNICEF was acting as a catalyst in encouraging all ministries to ensure that children's interests were taken into account in decision-making and in the budgetary process.

29. The Government was endeavouring through education to give children the means to exercise their rights. With that object in mind, it had requested the World Bank to make a study of education in Morocco. Television programmes, often produced locally, were broadcast to raise awareness among parents and children. On the question of children's privacy, economic problems and consequent overcrowding meant that the issue of privacy was not one of the foremost concerns of the population.

30. Mr. BENMAKHLOUF (Morocco), responding to the questions raised concerning the best interests of the child, said that, although not very clearly defined in the Convention, those interests were taken into account in the management of the child's assets by the parents or legal guardian. Children born out of wedlock were recognized by the law and had the right to a name.

31. While no law allowed discrimination of any kind on the grounds of sex, ethnic origin or religion in access to health-care services, education or culture, there was de facto discrimination between the countryside and the cities. The Government and non-governmental organizations had for some years been exploring ways of preventing that gap from growing wider. According to a study of education in rural areas, the rate of school enrolment for girls was higher than in 1992-1993. Raising the enrolment rate in rural areas meant not only building schools, but also establishing infrastructure. In that connection, cooperation with UNICEF had led to a number of projects, including a water supply project that would make it possible to stabilize the population and provide the necessary facilities.

32. Mr. DINIEL (Morocco) said that, according to a study made following the ratification of the Convention, 84 per cent of villages had schools within a 2.5-kilometre radius. Furthermore, a study carried out with the assistance of UNICEF had shown that only 14 per cent of the population gave the remoteness

of schools as a reason for the non-attendance of girls. Some parents needed their daughters' help and others simply did not want them to go to school.

33. Far from being responsible for that situation, the Moroccan authorities had endeavoured, even before ratification of the Convention, to establish the necessary infrastructure in rural areas. A commission charged with studying this problem of school attendance and combating illiteracy among girls had found that virtually 100 per cent of girls had been enrolled in schools in the cities, as against 45 per cent at most in rural areas. It had instituted a strategy aimed at adapting the schooling of girls to traditions, and school curricula to the needs of the population. The Government had adopted an integrated strategy that was being pursued with the assistance of non-governmental organizations, many of which were subsidized by the various ministries. Meanwhile, the development of rural areas was taking place within the framework of decentralization. The strategy adopted by Morocco was reflected in the various programmes and plans of action formulated with the assistance of the World Bank and other international organizations.

34. Mr. TYANE (Morocco), replying to the questions on health statistics, said that Morocco carried out regular censuses and surveys to determine the main national socio-economic indicators. The various ministerial departments also conducted surveys for the purpose of better targeting their activities. During the 1980s, the health information system of the Ministry of Health had been fully modernized to permit better monitoring of the implementation of programmes with particular reference to maternal and child health.

35. The authorities were also making use of regular statistics to monitor health programmes at the provincial and national levels. The information was processed, and beginning to be decentralized, by reason of computer systems. The central bodies responsible for the management of maternal and child health programmes was integrated in an information exchange network and connected to Internet. Surveys on fertility, maternal and child health and family planning had been made periodically since 1979 and the results were given at the rural, urban, regional and national levels. A survey at the provincial level was due to be held in 1997 and would focus on the situation in rural areas, covering 45,000 households. Qualitative as well as quantitative surveys on specific aspects of maternal and child health, such as the epidemiological situation, were also being carried out with a view to improving health services and programmes and adapting them to the needs of the population.

36. Information gathered in the field showed that Morocco was in a situation of social transition. According to the most recent survey, for example, the median age of marriage had increased to about 20 years, a development that mitigated the problem of early marriages. Likewise, the age of first pregnancy had risen appreciably since the 1970s and 1980s, reaching 23 years on average, a trend that reduced the risks to the health of mothers and children and improved their chances of survival.

37. Such information enabled the public authorities to target their programmes of action better with respect to priority, and particularly rural, areas. In the 1996-1997 Finance Act, for example, 45 per cent of appropriations in the budget of the Ministry of Health were for rural areas. Some 400 doctors had been recruited and assigned to rural areas, and 157 new

health centres were making it possible to provide basic health services locally to approximately 1.5 million people. The public authorities had provided the health services with 200 vehicles to help them improve coverage of some 38,000 villages spread across the country. They were also endeavouring to provide information, education and communication services as a matter of priority both to inhabitants of remote rural areas and to people in disadvantaged outlying urban areas.

38. Mrs. KARP said that she would like to know more about the Government's strategies to bridge the gap between rural and urban areas in Morocco. What specific measures had been taken, in particular at the budgetary level, and what strategy had been defined to provide for the decentralization of services? Concerning the dissemination of information, she asked whether the results of the survey made by the National Congress had been published and whether they had been communicated to the relevant ministries.

39. On the question of housing, it was essential to ensure that a child's right to privacy was exercised in practice, in accordance with the Convention, and she would like to know what specific measures had been taken by the Government to safeguard the enjoyment of that right.

40. The CHAIRPERSON said that the trend towards a higher age of marriage in practice was conducive to the adoption of legislative measures to raise the legal age for marriage. Such a measure would contribute to protecting the best interests of the child, and particularly the health of young girls.

41. Regarding the decentralization of health services, she invited the Government of Morocco to draw on the successful experiences of other countries which had faced similar problems owing to the geographical spread of their population. It might, for example, make use of mobile teams and put in place light structures that would enable it to provide locally for the needs of people in remote rural areas.

42. Lastly, she would like to know whether children had the possibility of forming associations with a view to exercising their right to freedom of expression and to participate in decisions affecting them, particularly in schools.

43. Mr. BENJELLOUN TOUIMI (Morocco) thanked the Committee for its comments and recommendations, which would be helpful to his country in better targeting its programmes and strategies. Ever since the 1970s, the Moroccan authorities had been placing emphasis on decentralization, in particular by setting up local ministerial services and decision-making bodies. The Chairperson's suggestion to align the legal age for marriage with actual practice seemed pertinent. However, he wished to point out that reforms in that area should be planned with great care to avoid any negative reactions among the population in view of Moroccan traditions, especially religious tradition. Observing that well-meaning but perhaps hasty policies of modernization had caused hostile reactions in some neighbouring countries, he asked the Committee to bear in mind that Morocco belonged to the Mediterranean, Islamic and African world, and to encourage it to move forward progressively but prudently, even if practice was ahead of the law in matters such as the age of marriage.

44. Lastly, it should be noted that there were mobile health units in Morocco. Children had the right to form associations and exercised their right to freedom of expression in schools with the assistance of some non-governmental organizations, including within the framework of leisure activities.

45. Mr. TYANE (Morocco), referring to the question of strategies concerning rural populations, indicated that the three-year plan for 1978-1980 had given the authorities the opportunity to examine the full range of health problems and to offer solutions taking account of available resources and actual conditions in the field. On that basis, the strategies proposed in the various programmes of action had been entirely revised and additional strategies had been formulated. They had yielded remarkable results, in particular an immunization coverage rate of around 90 per cent and a rate of contraceptive use of about 50 per cent. The various strategies put into effect were complementary, for example combining the establishment of mixed infrastructures (health clinics, hospitals and units for rural delivery care) in heavily populated areas with mobile strategies (itinerant nurses, mobile teams) in underpopulated areas. Furthermore, drawing on local resources, the authorities had begun in 1981 to include traditional birth attendants in public health care through training and awareness-raising programmes. However, those mobile strategies were not an end in themselves, but alternative transitional solutions that would eventually have to be replaced by a more conventional health-care infrastructure.

46. Mr. DINIEL (Morocco) said that the results of the survey to evaluate the situation of children in 1993-1994 had been communicated to the relevant ministry and to the King himself. They had, in addition, been made available to all associations in the country concerned with the situation of children and had been updated, particularly in respect of matters relating to education and culture.

47. With regard to information, programmes aimed at raising awareness of specific issues affecting the situation of girls in daily life were broadcast on television, in particular with a view to promoting school attendance of girls by encouraging families to reduce the domestic tasks with which they were entrusted.

48. The CHAIRPERSON noted with satisfaction that a positive dialogue had been established between the Moroccan delegation and the Committee and that the delegation seemed to appreciate the need to harmonize programmes specifically concerning children with national development programmes. She was pleased that the delegation recognized the merits of raising the age of marriage, notwithstanding the difficulties which appeared to stand in the way of such measures. A change in the legal age for marriage would, of course, require accompanying measures to prevent negative reactions of the kind that had resulted from modernization efforts in some neighbouring countries. The situation in Morocco seemed rather favourable, in her view, to such change.

The meeting rose at 6 p.m.

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Held at the Palais des Nations, Geneva,
on Wednesday, 25 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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Morocco (continued)

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GE.96-18309 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Morocco (CRC/C/28/Add.1; CRC/C/Q/MOR.1) (continued)

1. At the invitation of the Chairperson, Mr. Benjelloun Touimi, Mr. Moslih, Mrs. Benjelloun, Mr. Hamadi, Mr. Benmakhlouf and Mr. Tyane (Morocco) resumed places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on the sections of the list of issues (CRC/C/Q/MOR.1) entitled "Family environment and alternative care" and "Basic health and welfare".

3. Mr. KOLOSOV said it appeared from the report that no actual adoption procedure existed in Morocco and that the kafala procedure applied. Was that the case also where children of religious faiths other than Islam - for instance, Christianity - were concerned or was the number of such children so small that it was not considered necessary to make provision for them? He was somewhat concerned to note that adoption did not seem to be governed by legislation of any kind.

4. Mrs. KARP said she would appreciate clarification on the status of a child born out of wedlock, especially with regard to the right to bear its father's name, the right to know its father and the right to inherit. Paragraph 138 of the report seemed to suggest that family allowances and welfare benefits for children were allocated only to civil servants and the military. How far did that accord with the State's obligation under article 18, paragraph 2, of the Convention to render appropriate assistance to families in raising their children? What steps were taken to ensure that a woman divorced against her will received alimony and, in particular, had the Government provided any mechanism for enabling her to sue her ex-husband? Did divorces of that kind have an impact on children growing up in families without fathers and how was the law coping with any problems that might arise as a result?

5. Mr. HAMMARBERG said that he would be interested to learn how Morocco was dealing with the problem of corporal punishment and violence within the family. It had stated that doctors were instructed to report cases of battered children so that they could be brought before the courts, but that should be seen as a last resort, since court hearings could be very traumatic for children. Violence in families could occur for many reasons, including poverty and alcoholism. Did Morocco have any programme to increase public awareness of the problem, notably by instructing social workers, nurses and teachers to act as monitors and to give advice and help when needed?

6. Miss MASON said she understood that, in Morocco, only legitimate children were recognized. Did children born out of wedlock have the same access as legitimate children to social, health and other services and did the stigma attached to illegitimacy affect their chances of finding employment in later life?

7. Mrs. SARDENBERG said she would like clarification about the current status of marriage in Morocco and how far traditional practices still prevailed. For example, did arranged marriages or polygamous marriages often occur or were they confined to the more remote regions of the country?

8. Mr. BENJELLOUN TOUIMI (Morocco), replying to the question raised by Mr. Kolosov, said that although Muslim law, including the system of kafala, applied only to Muslims, a child adopted under that system could be the child of parents of any religion. On the question of illegitimacy, under Moroccan legislation, a child born out of wedlock did not have the same rights as a legitimate child, although it did have the right to know its father's name. Efforts were being made to avoid handicapping such children in later life, for instance, by discontinuing the use of the expression "father unknown" on official forms and by seeing to it that their situation was made as acceptable as possible. However, Muslim law on the matter could not be changed.

9. There was in fact legislation in place to ensure that family allowances and welfare benefits were paid to all employees, whether in the public or in the private sector. The problem of how a divorced wife's right to alimony could be guaranteed was, unfortunately, a fairly universal one, but some amendments to the law had been introduced in an effort to improve the situation. On the point raised by Mr. Hammarberg, a number of programmes, including a programme to increase public awareness, were under way in an effort to combat the scourge of domestic violence. However, the Government was aware that much still remained to be done, since the problem was linked to levels of economic and social development, as well as to regional factors.

10. In reply to the question put by Miss Mason, he said that the policy was to try to avoid making social distinctions between children born in and out of wedlock and to ensure that both were offered the same opportunities. On the point raised by Mrs. Sardenberg, he said that the practice of arranged marriage was no longer widespread in the country, partly because the media had helped people to become more aware of other cultures. Polygamy was discouraged by economic factors, since Muslim law required that all wives should be given equal treatment and the cost of keeping several wives was thus high.

11. Morocco greatly valued the institution of marriage, although unfortunately, as in many other countries, it was now under threat. The Government was therefore trying to emphasize the basic importance of the family unit. Moroccans did not aspire to adopt the concept of the "modern" family; rather, they thought it preferable to try to improve on the "traditional" family concept they already knew.

12. Mr. MOSLIH (Morocco) confirmed that, although adoption as such did not exist in Morocco, it was possible under the kafala system for a Muslim to adopt a child regardless of that child's civil status or religion. A child born out of wedlock would take the name of his maternal grandfather.

13. Family allowances and welfare benefits were paid to the father as head of the family, either by the State in the case of a public sector employee, or through a social welfare fund in the case of a private sector employee. It was true that, under Islamic law, women could be divorced by their husbands

against their will, but, following the adoption of the Convention in 1993, that law had been amended so that the husband now had to justify such a step. The judge was now required to endeavour to reconcile the couple in order to keep the family together. If reconciliation failed, the judge would decide on the alimony to be awarded on the basis of the husband's income. Custody of girls up to 13 years of age and of boys up to 12 years of age was normally given to the mother, after which the child could choose which parent to live with. Alimony would be paid by the father for girl children up till marriage and for boy children up to 16 years of age or up to 21 years of age if the boy chose to continue his studies.

14. Morocco was doing all it could to find a solution to the problem of domestic violence. Under Islamic law, not only physical attacks, but also the use of swear words against a wife, could be considered as acts of violence and the victim would be entitled to bring a complaint which could lead to the institution of criminal proceedings.

15. Mrs. KARP said that the law relating to children born out of wedlock appeared to be in conflict with many principles of the Convention. The Islamic principle involved was apparently clear and not open to a different interpretation, but, provided that no categorical prohibition was involved, some legislative means could perhaps be found to allow it to be waived and so permit the gap between the Code on Personal Status and the Convention to be closed. Moroccan lawmakers had, for example, managed to find a way to avoid confrontation with the religious principle that permitted a man summarily to divorce his wife.

16. With regard to the payment of alimony, many States now followed the practice of establishing a State fund out of which alimony could be paid when a husband was in default. The sums disbursed would then be recovered by the State from the husband concerned. Such a procedure guaranteed receipt of alimony even where a wife did not have the means to institute proceedings herself. Could such a system be instituted in Morocco?

17. Was there any legislation to protect the victim of violence within the family from further victimization during court proceedings? Were there any provisions to enable a child to give evidence without the parents being present? Were any measures in place, such as the provision of special police investigators, to ensure that a child could give evidence without being subjected to further victimization? Did any legislation exist to help victims overcome a reluctance to talk about matters, such as loss of virginity, that might lead them to be considered disgraced?

18. Mr. KOLOSOV asked whether, should the father in a Christian family die and the mother remarry another Christian, the second husband would be permitted, if he so wished, to adopt the wife's children by her first husband. If that procedure was not open to Moroccan members of religions other than Islam, then the claim to freedom of religion would have to be considered merely a matter of form.

19. The CHAIRPERSON asked whether children born out of wedlock represented a major problem in Morocco. Had there been any attempt to determine their numbers? Before any consideration could be given to legislative reform, more information was needed on the scale of the phenomenon.

20. A considerable body of information was available on the situation of girls in domestic service in families. It was a common practice in many African countries for girls to be placed in other families in exchange for a cash compensation to the parents. However, there was an increasing trend for families to abuse their power over such girls; some were being subjected to gross violence. Had any surveys been carried out in Morocco to determine the extent of such abuse there? That information would be of use in comparative studies of trends in other countries.

21. Mr. BENJELLOUN TOUIMI (Morocco) said that, in the case of a family of Christians, the type of adoption described by Mr. Kolosov would be permitted.

22. To answer Mrs. Karp's question, he said that the Islamic principle that a natural child or a child born out of wedlock could not inherit was precise and absolute; no possibility of derogation existed. Remedies would have to be sought by other means. A father was, for example, not precluded from leaving a legacy to a natural child. Although Islamic principles could not be modified, efforts were being made to introduce changes in a number of areas by making certain options available on a voluntary basis. That was the way in which conformity to the Convention could be achieved and equal opportunities in the social sphere ensured. A number of such measures had already been taken to soften the impact of classical Islamic law; others would follow.

23. The measures necessary to allow the State to take proceedings against defaulting husbands and to pay alimony had already been introduced into Moroccan law.

24. There were no special legal procedures available for dealing with child victims of violence, but judges could order measures of protection at their own discretion. There was room for improvement in the treatment of such cases in order to make it easier for children subjected to abuse or violence to give evidence.

25. Mrs. BENJELLOUN (Morocco) said that the Moroccan League for the Protection of Children had already carried out one study on children born out of wedlock. It had another survey currently under way in collaboration with the Ministry of Labour and Social Affairs.

26. In cooperation with the Ministry of Health, the League had also organized an information day devoted to young girls in domestic service, whose situation was currently one of exploitation rather than the training experience originally intended. As a consequence, a follow-up committee had been established in which the various departments involved were represented. Legal, social and communication and awareness commissions had with a number of short-term, medium-term and long-term goals also been established and were already working to publicize the problem and accelerate the introduction of appropriate legislation.

27. Mr. HAMADI (Morocco), replying to Mr. Hammarberg, said that the medical profession was involved through the school health system in the detection of cases of physical violence. Regular health visits were made to all educational establishments and detailed information gathered. In 1994, the Ministry of Health had distributed a circular to the medical profession in Arabic and French on the subject of child beating, which gave instructions on the measures to be taken when such cases were found; in severe instances, the alleged perpetrator was remanded in custody while an investigation was carried out.

28. The persons conducting the survey of young girls in domestic service sponsored by the Moroccan League for the Protection of Children in cooperation with the Ministry of Health had encountered great difficulty in entering homes in order to gather information. Work was currently under way on a more detailed survey to obtain the information needed to take effective measures.

29. Mr. KOLOSOV said that paragraph 145 of the report gave the impression that full adoption was not available to any Moroccan citizen. That appeared to be in conflict with Mr. Benjelloun Touimi's earlier statement that adoption was possible in some cases.

30. Mr. HAMMARBERG said that the Moroccan delegation had rightly emphasized the legal and judicial aspects of efforts to combat domestic violence. It was very necessary that countries should have clear legislation reflecting all aspects of article 19 of the Convention, which was very stringent in its attitude towards violence. Professionals other than medical practitioners should also be involved in the reporting of cases of violence. However, he assumed that as yet few cases involving violence against children had been brought before the courts. Efforts were thus needed to make it easier to bring such cases to court and also to take action to prevent such violence occurring.

31. In the context of discrimination in education, attention must be given to the problem of education for disabled children. It was known that children who were unable to start or continue with school tended to be socially disadvantaged. Schools in many countries were unprepared to admit disabled children. An important task for the High Commissioner for the Disabled would be to ensure that the educational system could absorb such children. The solution was not to establish special residential institutions in which children became isolated from their homes and families. Nor would such institutions be able to cope with the large number of children involved. It was essential to develop a community-based approach.

32. Mrs. KARP said that any comprehensive programme designed to deal with family violence and abuse should not focus on court procedures alone. A complementary approach would be to make it mandatory not only for medical workers, but also for teachers, social workers and other professionals in contact with children, to report suspected cases of child abuse to enable legal proceedings to be instituted. In addition, services for the rehabilitation of abused children could be brought into play during the initial police investigation and subsequent court proceedings in order to provide immediate care.

33. Mrs. SARDENBERG said there appeared to be a high incidence of disability in Morocco; some reports indicated that many indigent disabled children survived by begging. Did the High Commissioner's Office have any measures in mind to give indigent families access to appliances for the disabled or to provide other options than residential care for disabled children? Was the need for disabled children to attend school covered in the training of nurses and teachers? What measures had the Government in mind for making urban and rural areas aware of the need for such action?

34. The CHAIRPERSON said that traditional ways of life had almost ceased to exist in many countries. In Muslim countries, classic Islamic law was not always adapted to present-day conditions; there was an increasing tendency to talk of modern Islamic law. It was incumbent on the Committee to encourage the acceleration of the changes in that direction that were already taking place in Morocco without undermining fundamental principles. Reforms had to be undertaken as part of an overall plan tailored to Morocco's specific needs. Legislation also had to be adopted to deal with specific problems, such as that of young girls in domestic service. In such instances, creating awareness of the problem was an essential step and should continue until measures to deal with the problem were in place. One useful measure in her own country had been the establishment of children's associations to provide a channel for their information.

35. Mr. BENJELLOUN TOUIMI (Morocco) said that, to the best of his knowledge, the situation described in paragraph 145 of the report applied only to Muslim families was correct. Some aspects of Moroccan law did not apply to non-Muslim or non-Jewish citizens. However, he would inquire further into the matter with the Ministry of Justice and provide a detailed answer in writing at a later date.

36. Generally speaking, the Moroccan delegation was very aware that there were some inconsistencies between the provisions of the Convention and Moroccan legislation. Morocco was endeavouring to introduce direct reforms where possible. However, Islamic law was very strict and not amenable to amendment. Some reforms were thus precluded. Every effort would however be made to take measures that would allow the aims of the Convention to be achieved without detriment to the principles embodied in Islamic law.

37. His delegation looked forward to receiving the Committee's recommendations on ways to improve the implementation of the Convention in Morocco and would pursue the matter with the Moroccan authorities. However, it should not be forgotten that, although there might be a national will for change, budgetary and other constraints often prevented comprehensive action from being taken. It was therefore necessary to set priorities for action on children's rights to ensure that the most urgent needs were met first.

38. Mr. BENMAKHLOUF (Morocco) said that the Code of Personal Status clearly stated that the kefala procedures referred to in paragraph 145 of the report applied only to Muslims. Christian families were thus exempt from those provisions. However, if a Christian woman took a Muslim as a second husband, he would not be entitled under the kefala to adopt her children by a former marriage.

39. Work to better the situation of disabled children had begun in Morocco in the 1960s with the establishment of a number of associations looking after their interests and presided over by members of the royal family. Those efforts had been strengthened by the creation in 1993 of the Office of the High Commissioner for the Disabled, whose work had been described in detail in the report.

40. Mr. TYANE (Morocco), replying to Mr. Hammarberg's question, said that the rehabilitation and return of disabled persons to their home environments was an approach being tested in a pilot scheme in Morocco, following participation in workshops on the subject held in Amman in 1994 and 1995. The project had been in operation only one year and not enough feedback had yet been generated, but, once preliminary evaluations had been made available, the extension of the scheme to other provinces could be envisaged.

41. The CHAIRPERSON invited the members of the Committee to ask questions on the sections of the list of issues entitled "General measures of implementation" and "Special protection measures".

42. Mrs. KARP asked whether the Government had begun to implement its strategy to close the educational gap between boys and girls and, if not, what the prospects for its implementation might be.

43. Since French was the language of instruction for science subjects in Morocco, she wondered how students whose only language was Arabic would have access to higher education in those subjects.

44. She also asked how the budget was apportioned among the various levels of the education system.

45. Mrs. SARDENBERG said that she would like more information on the integration of the Berber population into Moroccan society and on the status of children in that linguistic group. Had the Convention been translated into Berber dialect?

46. Miss MASON asked whether schools in Morocco were single-sex or co-educational, whether female teachers taught male students and, conversely, whether male teachers taught female students.

47. She was also interested in the status of teachers in Morocco. Did the Government's plan for teacher training apply to teachers at the primary school level and what was the pupil-teacher ratio?

48. Mr. KOLOSOV asked the Moroccan delegation to define the term "foreign communities", as used in paragraph 275 of the report. He wished to know whether the Government's educational support programmes covered the schooling of "foreign communities" and the Jewish community.

49. Mr. BENJELLOUN TOUIMI (Morocco) said that, although his Government's policy was to avoid or reduce discrepancies in the education of boys and girls, he did not believe that it had adopted specific measures to bridge the existing gap.

50. Morocco's official language was Arabic. French was a working language and was compulsory at the primary and secondary school levels. The Government had endeavoured to adopt a multilingual approach by promoting the use of English and Spanish in addition to French and Arabic. Students were free to continue their studies in the language of instruction with which they had begun. However, in cases where text books were not available for particular subjects in Arabic, those subjects had to be studied in one of the other languages. There was no language discrimination with regard to employment.

51. On the basis of a World Bank recommendation, the Government had adopted a strategy of emphasizing the teaching of science within the context of a plan to improve education at all levels.

52. In reply to the question on the Berber population, he said that Berbers had always been an inseparable component of Moroccan society. While they were allowed the freedom to enjoy their own culture and to use their own language, they received formal education in either Arabic, French or English and it was through those languages that they became acquainted with the Convention. Since Berber dialects were oral rather than written, the Government had adapted its awareness programmes accordingly.

53. In Moroccan tradition, non-Muslims and non-Jews were regarded as foreigners and, with the exception of the elements relating specifically to Muslims, the Code on Personal Status applied to them.

54. He would make the exact figures on budgetary allocations for education available to the Committee in writing.

55. Mr. KOLOSOV, referring to paragraphs 310 to 312 of the report on the administration of juvenile justice, asked whether 20-year sentences were not considered excessive for juveniles under 16 years of age. He also asked why persons aged between 16 and 18 years were regarded as persons of full age. He wondered whether the Moroccan Government had any intention of changing that low age-limit in order to bring it into line with the provisions of the Convention.

56. Mr. HAMMARBERG, referring to articles 37 and 40 of the Convention, asked how Morocco guaranteed that persons under the age of 18 years serving prison sentences were treated humanely.

57. Mrs. KARP asked why the Moroccan Government differentiated between the legal system applicable to persons up to the age of 12 years and the system applied to persons between the ages of 12 and 16 years. She also wished to know whether the Government had considered the possibility of moving the procedure for dealing with children under 12 years old from the regular courts into the jurisdiction of the juvenile courts, where judges had greater expertise in matters relating to children.

58. Miss MASON, referring to paragraphs 299, 300 and 313, pointed out that the report did not make a clear distinction between the terms "minor" and "child" or between the terms "crime" and "offence". With regard to paragraphs 309 and 306 of the report, she asked in which facilities minors between the ages of 12 and 16 were placed in the exceptional cases mentioned.

59. Mrs. KARP requested the Moroccan delegation to comment on information the Committee had received on the unlawful detention of children in Western Sahara.

60. Mr. BENJELLOUN TOUIMI (Morocco) said the Penal Code of Morocco made a distinction between the ages of criminal and civil majority, as stated in paragraphs 36 to 42 of the report. There had been periodic reforms of the Penal Code and it was envisaged that future reforms would bring existing legislation into line with the Convention.

61. Mr. BENMAKHLOUF (Morocco) explained that the terms "minor" and "child" were used in the report with two not very different, yet complementary, meanings. The term "child" was used in the context of the Convention to refer to leisure and education, for example, while "minor" was a legal term used in the Penal Code.

62. Miss Mason's question about the distinction between "offences" and "crimes" was answered in paragraphs 299 and 300 of the report, which stated that minors who committed "offences" were tried by the courts of first instance, while minors who committed "crimes" were tried by the criminal division of the Court of Appeal.

63. Replying to the question on the separation of children from adults in prisons, he said that Moroccan legislation adopted in 1915 provided that minors between 12 and 16 years of age must be separated from adults. Paragraph 306 of the report listed the various institutions responsible for the training and rehabilitation of minors.

64. Mr. BENJELLOUN TOUIMI (Morocco) said there were no Western Saharan children imprisoned in Morocco. The case to which Mrs. Karp had referred had been a highly political issue and it had been settled by the Government of Morocco in an atmosphere of complete transparency.

65. The CHAIRPERSON welcomed the fact that the Moroccan delegation had expressed the Government's willingness to pursue certain legislative reforms, particularly on the determination of the age of criminal majority in conformity with the Convention, and to guarantee children all the necessary social and legal assistance.

66. She stressed the importance of efforts to provide facilities separating minors in detention from adults and to convert such facilities into training and rehabilitation centres.

67. Mrs. KARP said that it seemed to be suggested in the written replies to the list of issues that there was no problem of child prostitution in Morocco. She asked whether any research had been carried out in order to verify that that was indeed the situation and, if not, whether there was any intention to conduct such research in order to devise a plan of action if necessary.

68. Miss MASON said that she associated herself with Mrs. Karp's question.

69. Mr. BENJELLOUN TOUIMI (Morocco) said that, while it could not be stated categorically that the problem of child prostitution did not exist in Morocco, since no actual research had been carried out, the phenomenon did not seem to be widespread. It might be wise to look into it more deeply, but Morocco, like all countries, must follow a system of priorities and deal first with the most immediate problems.

70. The CHAIRPERSON said that some information on the possible existence of child prostitution in Morocco had been brought to the Committee's attention. It was, of course, a State's prerogative to set its own priorities, but the Committee did recommend a study of the issue on the grounds that it was easier to take effective action at an early stage.

71. Miss MASON said that the problem of street children also seemed to be emerging in Morocco. She asked whether any survey had been made to discover where and how such children lived and what possibilities there were for their rehabilitation.

72. Mr. BENJELLOUN TOUIMI (Morocco) said he understood that a start had been made on such research. So far, the country was just beginning to be aware of the problem. He believed that the National Congress on the Rights of the Child was trying to start a research project in that connection.

73. The CHAIRPERSON invited the members of the Committee to present their concluding observations.

74. Mr. KOLOSOV said that it was his impression from the report and the written and oral replies to the Committee's questions that, although Morocco had good intentions and plans were afoot for legislative reform, the lives and well-being of children were not the country's first priority. The spirit of the Convention, however, and other important international instruments such as the 1993 Vienna Declaration required all of mankind to give priority to children's issues. He urged the Government to remember, in reaching its legislative and budgetary decisions, that children were the country's future and must come first.

75. Mr. HAMMARBERG said that the very interesting contributions of the Moroccan delegation had left him with the feeling that there were two broad problems as far as the enhancement of children's rights was concerned: the risk of a backlash if pressure for reform was too overt and budgetary constraints. The force of budgetary constraints was recognized in the Convention itself, but how to deal with the first problem was a question for Morocco alone.

76. His general impression was that, while many areas had been touched on in the way of reform, much remained to be done. The attention of decision-makers must be drawn to the vital importance of children's rights to the future of the country. More specifically, action needed to be taken in the field of law to change the Penal Code and to complete the reform of the Labour Code in order to regulate against exploitative child labour. In the whole decision-making process, including budgetary decisions, the best interests of

children must be borne in mind. Methods of data collection and review should be improved and work was still needed on systematizing the approach to the education of key professionals concerned with children's matters.

77. With regard to mechanisms, there was a need to strengthen the relationship with NGOs and civil society, to increase coordination among the various Ministries, to improve the linkage between the central and regional authorities and, lastly, to set up some kind of independent monitoring body along the lines of the Scandinavian institution of the ombudsman. He noted that there was already a High Commissioner for Disabled Persons who could perhaps serve as a model.

78. Certain subject areas, such as discrimination in the education of girls and the disabled, inequalities between rural and urban conditions and domestic violence called for greater in-depth study. The effort that needed to be made should involve not only the traditional political authorities, but religious leaders and local leaders as well. The whole question was very much one of attitude and key professionals such as teachers and police should be involved in information campaigns to be carried out among the public at large so that lip-service to the provisions of the Convention could give place to real change.

79. Mrs. SARDENBERG said that the Moroccan delegation's willing cooperation in the very constructive dialogue reflected the country's commitment to the Convention. She urged the authorities to take advantage of a time when attention could be drawn to the submission of the report, the Committee's forthcoming visit to Morocco and the presentation of the concluding observations, to ensure that higher priority was given to children's rights in the political arena and among the general public. In conclusion, she reminded the Moroccan delegation of the importance of publishing the Convention and of enhancing the partnership with civil society and NGOs.

80. Mrs. KARP said that she joined in thanking the Moroccan delegation for a very positive and illuminating dialogue. She sensed that there was a will to work in accordance with the principles of the Convention. What was lacking, however, was a concrete overall picture of integrated and workable mechanisms and plans of action. The approach of the Convention was holistic, but her impression was that Morocco dealt with the problems of children in a fragmentary way. She strongly recommended giving priority to building an integrative system. Morocco was, of course, a Muslim society, and that meant that there might be gaps between the spirit of the Convention and attitudes among the public, often reflected in the legislation. Work to enhance public awareness of the rights of the child needed to be connected to what might be initiated by religious leaders, for example, possible new interpretations whereby religion could be adapted to modern life. There were other Muslim countries with problems similar to those of Morocco. One day, perhaps, a brainstorming team of religious leaders from Islamic countries might meet to discuss what could be done to close the gap between the principles of the Convention and principles of their religion. In closing, she stressed again that Morocco had to review the system of juvenile justice and give positive protection to the victims of crimes of violence and sexual abuse.

81. Miss MASON emphasized that the Convention required conformity, not uniformity. The Committee accepted that Morocco was a Muslim society, but, with a view to protecting its children, it should perhaps be more willing to seek help from outside. Public attitudes could not be legislated, but changes could nevertheless be made. She had the impression that, despite Morocco's ratification of the Convention, the rights of children were still somewhat repressed and needed to be further realized. She emphasized the need for further research into areas in which children might be candidates for abuse and, in the criminal justice system, the anomalous position of children between the ages of 16 and 18 should be redressed.

82. The CHAIRPERSON said that the Committee had tried to raise the most pertinent questions relating to the situation of children's rights in Morocco, even though the Government might not regard them as the most important. Prevention was always better than cure. In their concluding observations, the members of the Committee had encouraged the initiatives that were already in place and suggested new ones. Those comments would be put into more detailed shape and formally delivered to the Moroccan delegation at a later stage. With regard to legislation, she particularly urged the Government to adopt ILO Convention No. 138 on the minimum age for employment.

83. Mr. BENJELLOUN TOUIMI (Morocco) said that the delegation had learned a great deal from the frank and fascinating discussion. He stressed once more that the rights of children were genuinely a matter of priority for Morocco. All those concerned with any aspect of the question, including His Majesty the King, were convinced of it. Given the many areas that needed to be covered, however, attention had had to be devoted to the most urgent. After the exchange with the Committee, some of that attention would be redirected. More importance would be attached to coordination within the Government and between the Government and civil society. Action would also be taken on the legislative front. The new Labour Code, currently under study in Parliament, would take account of all the provisions of the Convention. A reference had been made to involving the religious authorities: he would remind the Committee that His Majesty the King was the highest religious authority in the Kingdom and that he was devoting much time to the issue. He thanked all the members of the Committee, the Chairperson in particular, for her skilful management of the discussion and her summing up.

The meeting rose at 1.30 p.m.

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Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 320th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 September 1996, at 3 p.m.

Chairperson: Mrs. BALEMBAOGO

CONTENTS

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE

* No summary record was prepared for the second part (closed) of the meeting.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 5)

1. The CHAIRPERSON reported to members of the Committee that she had attended the seventh annual Meeting of chairpersons and members of international human rights treaty bodies held at Geneva from 6 to 20 September 1996. They would receive copies of the records of that meeting before the close of the current session. The Meeting had adopted several recommendations, special attention being given to a number of recommendations drafted the previous year, in particular the recommendation to transfer the secretariat of the Committee on the Elimination of Discrimination against Women from New York to Geneva in order to facilitate collaboration among the treaty bodies, a transfer already suggested by the Committee on the Rights of the Child. The High Commissioner for Human Rights had informed the chairpersons of the approaches he had made to the World Bank to coordinate monitoring of the implementation of international human rights instruments. She recalled that the Committee had always welcomed the attendance of representatives of the World Bank at its meetings, as a means of ensuring that due account was taken of the Convention in structural adjustment and cooperation programmes. A further meeting between the experts of the Centre for Human Rights and the World Bank was to take place in November or December 1996 to determine measures to improve cooperation in all fields. She suggested that such an approach should be extended to all the Bretton Woods institutions.

2. On the subject of education on human rights, the chairpersons of the treaty bodies had appealed to all specialized agencies and UNDP to pay more attention to human rights in their programmes of work. They had recommended that UNDP should prepare a plan of action for promotion of human rights and expressed the wish that the Interparliamentary Union might be invited to attend the next Meeting so as to strengthen collaboration between the various treaty bodies and the regional mechanisms concerned with human rights. The chairpersons had been informed of the plans for restructuring the Centre for Human Rights; Committee members would be informed subsequently of the measures announced during that Meeting.

3. Mrs. SARDENBERG said she had attended the Habitat II Conference, held at Istanbul from 3 to 14 June 1996. She urged members of the Committee to read in its entirety the document adopted by the Conference on urbanization and its social effects on the urban and rural environment. The Conference had adopted two new procedures since its preceding session; one of the Conference committees had invited not only mayors and local authorities but also representatives of non-governmental organizations (NGOs) to speak on agenda items. In addition, all Governments had been invited to report on their progress on habitat issues, in order to share their experience with other countries. She stressed the importance of the documents adopted by the Conference, namely the Declaration of Heads of State and Government and the Habitat Agenda, which called for a global plan of action at all levels to ensure implementation of the right to proper housing. It was imperative that the Committee on the Rights of the Child should join in the implementation and monitoring of the programme. In that connection, she suggested that a compilation should be prepared of the recommendations made by members of the

Committee on the subject. Lastly, the Conference had concluded that all Governments should unite their efforts and collaborate with NGOs and the private sector to see that the right to proper housing was implemented.

4. The Committee had been invited to participate as an observer in the meeting of NGOs on street children held at Amsterdam from 21 to 23 June 1996. She had given an account of the work of the Committee and reaffirmed the Committee's reliance on the participation of NGOs in its work to help it form a clear picture of the situation prevailing in each country whose report it was considering.

5. The preparatory meeting for the Congress on the application of the Convention, which was to have been held at Jerusalem on 2 July 1996, had ultimately not taken place as a result of disagreement between Palestinians and Israelis on some of the arrangements for that meeting. However, she had been able to meet the members of the Palestinian delegation at Jerusalem and to discuss the agenda with those responsible for the meeting. The meeting had eventually been held on 3 September at Geneva. She had been unable to attend but had received the final document adopted. The representatives of the Swiss Government, which had organized the meeting, would meet the members of the Committee for an exchange of views on the Congress.

6. The CHAIRPERSON said that the Congress would be held at Geneva in late 1996.

7. She had attended the mini-summit for African children held at Yaoundé (Cameroon) in July 1996 by UNICEF, with the support of the Organization of African Unity (OAU), as a prelude to the Assembly of Heads of State and Government of OAU. The mini-summit had been conducted by children who were victims of war, orphans or disabled or who had been enlisted into armies or militias. The children had had the opportunity to talk to the Ethiopian Prime Minister and current President of OAU, the Presidents of Mali and Eritrea, senior officials of UNICEF and Mr. Fall, Assistant Secretary-General for Human Rights. The mini-summit had led to the adoption of a number of resolutions and recommendations. The leading figures attending had expressed their concern and deep emotion at the evidence provided by the children, who had explicitly held heads of State responsible for wars and their repercussions on the most vulnerable sectors of the population. They had submitted a report on their work at the opening of the Meeting of Heads of State and Government of OAU, during which a resolution, based on the conclusions reached by the children, and urging heads of State and Government to take the Convention into consideration, had been adopted unanimously.

8. Mrs. KARP said she had, with three other members of the Committee, attended the World Congress on the Commercial Sexual Exploitation of Children, Stockholm, which had been widely reported in the media, particularly in the wake of the paedophile revelations in Belgium a few days previously. Unfortunately, the Convention had not figured prominently in the deliberations. In the discussion group attended by leading religious representatives from various countries, for example, nobody had been asked to present the principles of the Convention. She had therefore taken the floor in the group, but had to admit that much still remained to be done to promote and disseminate the Convention.

9. Mr. KOLOSOV suggested that in any discussions with delegations of countries where children were victims of war or sexually exploited, the Committee should call attention to the recommendations made by children at the mini-summit. He asked whether any mention had been made at the Stockholm World Congress of a second optional protocol to the Convention.

10. Miss MASON endorsed the comments made by Mrs. Karp with respect to the Stockholm World Congress. She herself, having taken part in the discussion group on prevention and psychosocial rehabilitation, regretted that there had been no real exchange of views owing to the proliferation of workshops.

11. She had also chaired a meeting of countries of the Americas which had led to a proposal to ask the Inter-American Children's Institute to undertake monitoring activities. The meeting had not given the results hoped for; she did not feel that Governments had shown sufficient political will. They were much more inclined to discuss matters of concern to the Committee when submitting their periodic reports to it.

12. Mr. HAMMARBERG said that the poor organization of the Stockholm World Congress had largely resulted from its high media profile, which had, however, been useful in creating awareness in a number of countries. Over 120 Governments had made declarations, which were to be published shortly in a report. Even though the programme of action adopted by consensus was not binding, it would nevertheless permit States to be asked what follow-up they had made. Interested bodies could also re-examine their programmes of work in the light of the programme of action.

13. He was disappointed that the Special Rapporteur on the sale of children, child prostitution and child pornography, who was very short of resources, had barely received a mention despite the presence of the special Rapporteur. However, a resolution specifically concerned with the rights of the child was to be considered by the United Nations General Assembly, as well as a resolution, recommended by the Stockholm World Congress, on adoption of a second optional protocol to the Convention.

14. Mrs. KARP said that she had taken part in the discussion group on prostitution and had contributed to adoption of a resolution seeking to extend to the age of 18 the protection afforded to the child. Since no decision had been taken on how binding the resolution should be, it would be the Committee's task to monitor it. Similarly, with regard to pornography in the media and the use of computers and the Internet for pornographic purposes, a subject dealt with by a workshop, the Committee ought perhaps to ask States what measures they were taking in that field.

15. Mr. HAMMARBERG said that he had found no real absence of political will; the problem was rather the difficulty of preventing the dissemination not only of pornographic material, but also of publicity for paedophile rings. It was up to the Committee to ensure that Governments took appropriate measures and to keep the matter in mind in preparing guidelines.

16. Mrs. KARP said that she also felt that it was not absence of political will but rather a confusion of outlook that had put forward arguments on

freedom of expression even in the workshop on pornography. There was ignorance of the fact that the Convention set standards making it mandatory for States to protect children against prostitution.

17. Mr. KOLOSOV, referring to the difficulty of controlling the dissemination of publicity on child pornography, said that reference to the freedom of information enshrined in international law was not relevant since the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights themselves set limits to that freedom. He considered that political will was lacking in the international community.

18. The CHAIRPERSON recalled the need to approach Governments and partners to improve awareness of the Convention and promote it as a reference document.

19. Mr. HAMMARBERG again stressed the technical difficulties Governments experienced in monitoring information that circulated anonymously on computer networks.

20. Mrs. KARP said she had also attended a workshop organized by UNICEF in which representatives of indigenous peoples and children had taken part. She had been surprised to find, once again, how little was known about the Convention. She had tried to persuade the participants that the principles enshrined in the Convention, which sought to protect the dignity of the child, were common to all cultures.

21. The CHAIRPERSON said that not only was there little awareness of human rights instruments, sometimes even in the government services responsible for initiating the procedures of signature and ratification, but in addition some provisions were incorrectly interpreted, which made it even more difficult to secure ratification of such instruments.

22. Mr. HAMMARBERG informed the Committee that the report on children in armed conflicts had been completed and would be considered on 11 November 1996 by the United Nations General Assembly, which would debate the proposals prompted by the Committee, such as setting a minimum age of 18 years for enlistment in the armed forces.

The public part of the meeting rose at 4.25 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 321st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Nigeria

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GE.96-18315 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (CRC/C/8/Add.26; CRC/C.12/WP.4)

1. At the invitation of the Chairperson, Mrs. Attah, Mr. Abuah, Mrs. Ali, Mr. Waminaje, Mr. Nzeako, Mrs. Holloway, Mrs. Mowoe, Mr. Adeyami, Mr. Indabawa, Mr. Gwam and Mr. Fasehun (Nigeria) took places at the Committee table.

2. Mrs. ATTAH (Nigeria) said that the importance Nigeria attached to the rights of the child was evident from the fact that it had been one of the first African countries to ratify the Convention shortly after its adoption. Since entry of the Convention into force in Nigeria on 19 May 1991, the Federal Government had used that instrument as a guide in implementing child rights; its tenets had been embodied in all national laws and constitutions. The Ministry of Women's Affairs and Social Development, which she headed, had responsibility for monitoring the implementation of its provisions. The Federal Government reaffirmed its commitment to the Convention and had provided written replies to the 49 questions submitted by the Committee in the list of issues (CRC/C.12/WP.4).

3. Having reviewed her country's situation, climate, population make-up and economy, she said that, as far as political and administrative structures were concerned, the Federal Republic was made up of 30 States and the Federal Capital Territory of Abuja. There were three tiers of government - Federal, State and local. The Federal Government was responsible for defining, establishing, monitoring and evaluating national policies, while the role of the States was to implement those policies in their own jurisdictions. A number of activities, such as health, social welfare and education, were under the joint responsibility of Federal, State and local Governments. The Federal and State Governments operated public affairs administratively through ministries and parastatals, which were also responsible for the coordination of development planning and programming and the coordination of technical development. The local Government authorities, through five statutory departments, took care at the local level of such basic services as works, agriculture, community development, information, education and health. In recent years, declining Government revenues and rising costs had led to cutbacks in Government expenditure, especially on social services. Some fees were having to be charged for primary education and medical care. The structural adjustment policy being carried out under IMF auspices had resulted in the loss of thousands of jobs.

4. In addition to current economic problems, the socio-cultural complexities resulting from the country's multi-ethnic composition and religious diversity had important implications for child rights monitoring in Nigeria in view of the profound influence exerted by the social system on child development. Following independence in 1960, various national policies and programmes had been established to advance child survival, notably the 1981 National Policy on Education, the 1988 National Policy on Population, the 1989 Social Development Policy for Nigeria and the 1991 National Policy on Health. The

Better Life Programme, inaugurated in 1987 and formalized by Decree 42 of 1992, was a major Government programme to promote maternal and child care, while the Family Support Programme had been established in 1994 to alleviate the suffering of the poor.

5. The Federal Government was taking measures to bring national laws and policies into harmony with the provisions of the Convention. The principal administrative and legal instruments for the protection of children were listed in paragraphs 8 and 9 of the report. Of those instruments, the draft Children's Decree, drawn up in 1993, revised in 1996 and due for adoption shortly and incorporation into municipal laws subsequently, would, together with other provisions to enforce and incorporate the Convention on the Rights of the Child, the OAU Charter on the Rights and Welfare of the Child and the Beijing Rules into the Nigerian legal system, define a child as any human being under 18 years in accordance with article 1 of the Convention. The present limiting age under the 1989 National Child Welfare Policy was 12 years. The effect of the new definition would be to make it mandatory for parents, legal guardians and society to provide their children up to the age of 18 with proper education and to protect them from exploitation arising from early marriage, employment and any negative influence that might infringe their rights.

6. Other mechanisms and structures at the Federal, State and local levels to coordinate and monitor the implementation of the Convention were described in paragraphs 10 to 17 of the report. They included the Mass Mobilization for Social Justice, Self-Reliance and Economic Recovery (MAMSER), now called the National Orientation Agency (NOA), the National Commission for Women, the Federal Ministry of Women's Affairs and Social Development established in 1995 to oversee, inter alia, programmes relevant to the protection and promotion of child rights in all ministries, organizations and agencies, and the National Child Rights Implementation Committee. Events, media and non-governmental activities designed to generate public awareness of child rights were described in paragraphs 24 to 26 of the report. The annual Day of the African Child and the National Children's and Youth Day Celebration focused on a different aspect of child rights each year; the emphasis in 1996 was on street children.

7. The issue of legitimacy and legal provisions to protect children from unlawful prosecution were covered in paragraphs 33 to 36 of the report. The Nigerian Constitution protected and respected the fundamental rights of all citizens, adults and children alike. The existing provisions were reviewed in section IV of the report, but a number of amendments would be introduced following the adoption of the draft Children's Decree. The situation of economic, social and cultural rights, especially education, was covered in section VII of the report. In addition to primary and secondary education, the Federal and State Governments provided special education for the physically and mentally handicapped, as well as for gifted children. An early childhood education project had been launched in cooperation with agencies such as UNICEF and UNESCO and educational institutions in Nigeria. It focused mainly on the establishment of day-care centres to stimulate model health-care approaches for infants and preschool children in rural and urban areas. It was informal, low-cost, community-based and targeted at families of less than average means.

8. However, there were still shortcomings in meeting Nigeria's obligations under the Convention. Dwindling financial resources had been a major cause of the Federal Government's inability to continue to fund many projects aimed at enhancement of the rights of the child. Special education and the system of free and compulsory primary education launched in 1976 could not be said to be well funded. Although the Labour Act protected children in employment from exploitation, economic and socio-cultural factors had compelled many children to engage in economic activities to assist their families. Measures were currently being taken to discourage the much criticized practice of sending children out to beg. Certain traditional practices such as discriminatory practices against girls, superstitious beliefs, early marriage, female circumcision in certain States, high bride prices, inheritance, widowhood practices, street trading, and tribal marks and tattoos, which had been in existence for countless years and would be difficult to change overnight, militated against the implementation of some of the provisions of the Convention. The Ministry of Women's Affairs and Social Development had therefore applied to the advisory services and technical assistance programme of the Centre for Human Rights for assistance in solving some of those problems with a view to helping Nigeria to meet its obligations under the Convention.

9. Mrs. BADRAN, welcoming the existence of a Ministry of Women's Affairs and Social Development within the Federal Government, asked what posts women actually filled in the senior levels of Government and particularly in local Government.

10. What action was being taken in Nigeria to minimize the impact of structural adjustment policies on child rights? Had plans been made at the outset to ensure that such policies had no adverse effect on children or was action taken only when undesirable consequences became apparent? One frequent effect of structural adjustment was an increase in the school drop-out rate as families became unable to keep children in education. She noted that Nigeria had been implementing some programmes for drop-out children.

11. How was allowance made for the ethnic diversity of the Nigerian population in children's programmes?

12. Did the National Child Rights Implementation Committee have a monitoring system in place and operating at the present time? Had Nigeria noticed any positive changes in child monitoring indicators since its ratification of the convention almost five years previously?

13. Mr. HAMMARBERG said the presence of such a high-level delegation was a welcome sign of the degree of importance the Nigerian Government attached to child rights. In view of the wide range of committees and structures concerned with child rights in Nigeria, it was difficult for the Committee to assess the relative roles of the various bodies. Could some indication be given of the design of the overall system and the links between the various parts? How was information exchanged between local, State and Federal levels and which body was responsible for monitoring the implementation of children's rights? Who discussed the reports of that monitoring body and what action was taken as a result at the various levels of Government? What control was exercised over the various bodies to which powers were delegated to ensure

that an overall picture of the action being taken was always available? Which body was responsible for maintaining a dialogue with civil society and with non-governmental organizations working in the field of children's rights? Nigeria had a military Government; what priority was it giving to the situation of children and what avenues of influence were open to the civil authorities to persuade the military leadership to give priority to the needs of children?

14. With reference to Nigeria's economic situation, he noted that UNICEF published an annual report which, inter alia, listed the performance gap - the relationship between infant mortality and GNP - for various countries. Nigeria came very low down on the scale of performance in comparison with other countries, and that indicated that insufficient resources were being invested in action that would improve that indicator. Furthermore, within the limits of Nigeria's resources, it would appear that the proportion of the national budget allocated to education and health was low in comparison with neighbouring countries in Africa. Was any consideration being given to the problem of the proportion of the budget allocated to child-related expenditure? Was there any process during preparation of the budget whereby there could be some discussion of whether the allocation proposed was sufficient in relation to children's needs?

15. Firm action had to be taken and comprehensive programmes adopted to deal with the negative consequences of public attitudes towards certain customs such as female circumcision. He requested the delegation to explain to what extent the Nigerian Government had involved community and political leaders in programmes aimed at eliminating prejudices.

16. Mrs. SARDENBERG expressed concern about the lack of follow-up action to ensure that the rights of the child were integrated into Government policy. She asked whether the functions of the Ministry of Women's Affairs and Social Development overlapped with those of previously established bodies and how it liaised with other ministries.

17. She would also like to know how powers were shared between the civilian Chairmen of Local Government Councils and the Provisional Ruling Council.

18. She asked about the status of the draft Children's Decree, as referred to in paragraph 9 (f) of the report, and about the prospects for its adoption.

19. The Government's relationship with non-governmental organizations was also of interest to the Committee and she wondered whether there was a permanent mechanism for consultations with such organizations.

20. Mrs. KARP said she understood that, for various reasons, the implementation of the Convention in Nigeria was a difficult task. That situation was further complicated by the fact that Nigeria was a federation. She would therefore like to know what steps had been taken in order to ensure that a unified approach was adopted towards legislation concerning children and to guarantee consistency in the implementation, coordination and monitoring of the Convention in each State. What obstacles had prevented Nigeria from enacting legislation on the 1993 draft Children's Decree and what could be done to remove them?

21. Miss MASON said that she would like information on the participation of children in the various committees established for the implementation of the Convention. There was some similarity in the composition of the membership of the National Child Rights Implementation Committee and that of the National Task Force on the Girl Child and she asked the Nigerian delegation to explain how those two bodies coordinated their activities.

22. Referring to the Child Welfare Department and the National Commission for Women mentioned in paragraph 14 of the report, she asked whether such bodies were adequately staffed and had sufficient authority and funding.

23. As the potential for disparities between States was a matter of concern she was curious to know how much weight was carried by laws adopted by States, as opposed to legislation enacted by the Federal Government, particularly in view of the fact that Nigeria was governed by military decrees. She also asked about the role of customary law within the hierarchy of the legislative system.

29. The Social Welfare Department, the body responsible for the monitoring of children's rights, had been shifted between various ministries, but had eventually become part of the Ministry of Women's Affairs and Social Development. It was making every effort to deal with the backlog of work which had resulted from those changes. Its specific mandate was to liaise

with other ministries on issues relating to women, the family and children. It could therefore take action on all aspects of the implementation of the Convention.

35. She was pleased to report that her Government enjoyed close cooperation with NGOs, which were regularly consulted on major policy issues. That cooperation had been introduced only a short time earlier and the numbers and involvement of NGOs were increasing.

36. The problem of female circumcision was not as extensive in Nigeria as it was made out to be. She knew of only three subtribes that engaged in the practice, although the mass media gave the impression that it applied to all women. Such attention by the press could help to raise public awareness, but, at the same time, exaggeration could have a negative effect. Women themselves, who had been specially targeted, were already aware. Even in the areas where the practice existed, mothers did not want their children to go through the same ordeal. No matter how small the number of girls involved, efforts would nevertheless be made to stop the practice. Legislation would

not be enough; the struggle must be taken to the villages, where local leaders must be persuaded to help eradicate it. Her Ministry had already commissioned a study to delineate precisely the areas affected so that they could be directly targeted.

37. Her Ministry was responsible for coordination in all areas. It worked in concert with the State Governments and they in turn worked in concert with the local Governments and ward leaders. As soon as the Children's Decree had been enacted, it would be put into effect in that way. In a speech he had made during the celebration of the Day of the African Child, the Head of State had said that he hoped to sign the Decree very soon. Both the Day of the African Child and the National Children's Day were celebrated at the federal level, with groups of children being invited from each State, and also at the State level, with special publications and radio programmes. The topic chosen for the 1996 National Youth Day had been "street children" and there had been much public interest and discussion. It had been realized that many children who should be in school had taken to the streets to help support their families through the time of hardship.

38. Once the Children's Decree had been adopted, her Ministry would be responsible for publishing and distributing it on a large scale. Copies would be sent to universities and secondary schools and a simplified version would be delivered at the local Government level so that men and women everywhere could be informed of its provisions. It was hoped that some of the States would translate the Decree into their local languages. Special workshops would be organized for police and magistrates and all those who worked with children. To some extent, attitudes towards the rights of children were already changing. People were beginning to realize that some of the things that had been done were no longer acceptable. The effort must continue, being concentrated at the grass-roots level.

39. Budgets for social services differed from State to State, depending largely on whether they were rich or poor. The Federal Ministry, however, was ready to assist needy States in carrying out specific projects.

40. Replying to Miss Mason, she said that the children themselves did participate. There was a national television programme, "Speak out", in which children had an opportunity to express their views on various issues. Efforts would have to be made to make such opportunities available at the village level.

41. Despite the financial disparities among States, there would be a unified approach to enhancing the rights of the child and the Federal Government would step in wherever it was necessary for it to do so. There would be no State laws contrary to federal laws.

42. The CHAIRPERSON said that the Nigerian delegation's response to the Committee's questions had been positive and detailed. She was glad to know that all children's problems were regarded as important, no matter how few the numbers involved, and that efforts were being made to establish statistics and a data bank. She would like to have a further explanation of two particular points: first, the reasons for the delay in signing the Children's Decree and, secondly, the place of customary law in the overall legal system.

43. Mr. ADEYEMI (Nigeria) said that some of the delay in the implementation of the rights of the child was explained in the initial report. The topic had been transferred from the National Committee on Women and Children to the National Commission for Women and lastly to the newly created Ministry of Women's Affairs and Social Development. The Ministry, which had first had to establish itself, had produced a final draft of the Children's Decree and planned a series of operating mechanisms. That text had now been referred to the Presidency for signing into law. The President had pledged, on the Day of the African Child, that he would sign the Decree.

44. Customary law and statute law operated side-by-side, but, wherever there was conflict between them, statute law prevailed. That system had been in operation in Nigeria for over a century. Customary law could be changed, however, either by means of a declaration or through conversion into statute law. Customary law that did not comply with acceptable standards would not be enforced by the courts. The Children's Decree, which sought to change unacceptable customs, would apply nationally and would serve as an instrument for implementing the provisions of the Convention and the OAU Charter on the Rights and Welfare of the Child. Under the Nigerian Constitution, only the Federal Government had the power to legislate in order to bring the provisions of a treaty into force. Such legislation, once enacted, applied throughout the country. The Decree would thus give the Convention and the Charter the force of law and all States of the Federation would be bound by its provisions. There could be some local variations in the operation of those provisions, but no change could be made in the principles embodied in the Decree.

45. Mrs. KARP said that her question about the relationship between the Federal, State and local levels had been meant to clarify the situation in which a State which did not possess a particular law or programme was required to introduce a policy devised by the Federal Government. There was no description in the report of the situation in the different States, so no comparison could be made between the overall situation of children in one State or locality and that in another. Some of the proposed mechanisms were only plans, describing what was envisaged for the future. She would like to know what happened in daily life if the Federal Government decided on a certain policy or programme. How could the Government verify, through the local authority, that the programme was working? Through budgetary allocations and in other ways, could it determine how policies and programmes were implemented? She was anxious to know the real impact at the present moment, on daily life in the States or local authority areas, of decisions by the Federal Government.

46. Mr. HAMMARBERG said that much of the concern felt by the Committee related to the degree of priority actually attached to children's rights by the Government. That was why questions had been asked about the relationship between the Military Councils and the civilian Governments. In a situation where the spirit of the Convention demanded a change of attitude among the people at large; there would seem to be a need for powerful personalities to take a stand in favour of certain changes. Otherwise, delay ensued, responsibilities were shifted from ministry to ministry, while all the time

the indicators gave warning signs of real trouble. There needed to be a determination at the highest level of Government not to allow things to drag on.

47. Basically, the question was "What priority does Nigeria give to its children?". The delegation had offered to find out what budgetary resources were actually going to health, education and social services directed towards children. That information was crucial. A key article of the Convention spoke of the "maximum extent" of available resources being directed to the implementation of the economic, social and cultural rights of children. For a real picture of the situation, the Committee needed figures, not only for the current year, but showing trends at the local and national levels. Extrabudgetary resources, such as contributions from the Petroleum Trust Fund should also be part of the picture. If the Government took the matter as seriously as it should, allocating those extra resources to children would be the obvious thing to do. None of these things were clear from the report. The Committee should take advantage of the presence of the person directly responsible for children's affairs in Nigeria to ask her for her own assessment of priorities and the strategy for achieving them, which was absent from the report.

48. Mrs. BADRAN said that the report showed not only disparity between the sexes in terms of education, but serious disparities between States. The Committee had been told that, naturally, State revenues differed, but that Federal Government was trying to balance the situation. She asked how it was doing that. Was the Government simply providing money or attacking poverty at the roots by providing income-generating assets?

49. On the question of female circumcision, she felt that Nigeria might profit from her own country's experience. The Egyptian Government had for some time been very hesitant to enact legislation prohibiting the practice, but, recently, a "Ministerial Decree", not actually a law, had been issued which had proved very effective. The performance of the operation had been prohibited in all State health units. Since that step forward, measures were being studied to prevent not just doctors in health units, but anyone from performing it. Legislation was being drafted to ensure that the prohibition would be monitored and an appropriate penalty imposed. It took a long time to change attitudes through advocacy and education and legislation could be a powerful stimulus.

50. Mrs. SARDENBERG asked what possibility was open to State and local Governments, which were closer to the people, to influence policy at the Federal level. How was their input regarding the situation in the field incorporated in Federal decision-making? The Committee had been told that the Ministry had a good relationship with NGOs, but she had the impression that there was a certain lack of focus. The implementation of the Convention could be an occasion for bringing the Ministry and NGOs closer together. For instance, they could help in disseminating the Convention. It was important to have a comprehensive approach, but a strategy for bringing one about seemed to be lacking. References had been made to the power of women in local communities to bring about changes in attitude. She asked whether there was any strategy for utilizing that power in order to implement the Convention.

51. Miss MASON said that she too was concerned about disparities among States within the federal system. She accepted that the Federal Government determined policy, which then filtered down to the various levels. The Committee had been told that State laws could not contradict Federal laws, but she would like to know the position when State legislations differed among themselves. Did the Federal Government step in to equalize such situations or was the disparity allowed to continue? She hoped that, by the time the delegation returned to Lagos, the Children's Decree would have been signed and the Committee's criticism of the current system would have been nullified or negated.

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regard to education and it was true that, in some areas, the education of girls lagged far behind that of boys, for traditional rather than religious reasons. The Ministry of Education was therefore targeting those States and efforts were being made to solve the problem: in one State, for instance, withdrawing girls from school for the purpose of marriage had now been banned. There were considerable variations from State to State because of ethnic differences and differences in tradition.

57. In reply to the question on budgetary allocations, she said that the Federal Government provided substantial assistance to States for education. Grants were given not only to States which were less developed to help them build more schools in rural areas, but also to more advanced States to encourage children to continue their schooling. However, the Federal Government had no real say in how those grants were spent.

58. Both the Federal Government and the state Governments gave the highest priority to education. Her Ministry believed that education, and particularly education of the girl child, was the key to the solution of many problems that were hindering women's development.

59. It had been asked what steps had been taken to ensure that the Children's Decree was adopted. The fact that Nigeria was a military regime, and that there were no opposition parties to cause delays, facilitated that process. Once the Decree had been approved at the highest level, both State governments and local Governments were obliged to implement it. She added that there was no way a local Government could influence Government policy directly. The Ministry of Local Government held periodic meetings at which issues of concern at local level could be raised and the Ministry would then take up those issues with the Federal Government, so that the channel of communication was an indirect one. She assured the Committee that Nigeria gave the very highest priority to the welfare of its children.

60. Reference had been made to the role that could be played by NGOs; in fact, the Ministry was using them to help implement programmes on women's rights through workshops and through broadcasts in the mass media. The Government was working in close consultation with UNICEF, which had done valuable work in Nigeria.

61. Mrs. ALI (Nigeria), replying to the question on what had been done to make the Convention more widely known, said that the Ministry of Education had published a handbook entitled "Nigeria and the Rights of the Child", which was an integrated version of the Convention and the OAU Charter on the Rights and Welfare of the Child. That handbook had been widely circulated with the help of UNICEF and, in addition, a simplified version of the Convention had been disseminated to schools throughout the country. The Ministry of Information and Culture, in collaboration with UNICEF, was now in the process of translating both instruments into Nigeria's three major languages.

62. Mr. ADEYEMI (Nigeria), replying to the concern expressed by Miss Mason about the fact that the Convention needed an enabling act before it could come into operation, said that the Constitution laid down that no treaty could have the force of law until it had been enacted into legislation by Parliament. In

the present case, the Children's Decree would function as an enabling act: once it had been published, it would bring into effect both the Convention and the OAU Charter on the Rights and Welfare of the Child.

63. Mrs. ATTAH (Nigeria) added that the Government was doing all it could to ensure that the Children's Decree came into effect as soon as possible, at least by the end of the year.

64. The CHAIRPERSON said the discussion had highlighted the importance of encouraging the process of decentralization in Nigeria so that more responsibility could be assumed at the local level for promoting the rights of the child. It had also highlighted the need to identify clearly programmes specifically designed to further the interests of the child so that the success of those programmes could be evaluated. The Committee believed it was important that the subject of the Convention should be systematically included in the curricula of schools, colleges and training institutions.

65. Mrs. KARP said she would appreciate an answer to her question about the Children's Trust Fund. In addition, she would like to know how many copies of the Convention had been disseminated and whether any study had been made of how many children were aware of its existence.

66. Mrs. ATTAH (Nigeria) said the Nigerian Institute for Advanced Legal Studies had made a study on the extent of awareness on the part of both children and adults of the rights of the child, which included figures. That study could be made available to the Secretariat.

67. Mr. WAMINAJE (Nigeria) said the Children's Trust Fund, which was in part financed by public contributions, was designed to assist children in distress as a result of emergencies. Recently, for example, when children had been made homeless by a local conflict in which many houses had been burned down, some one-fifth of the total resources of the Fund had been released to provide them with health facilities, medication and clothing.

68. Mr. HAMMARBERG recalled that he had earlier asked whether the Government had any overall strategy with regard to the rights of the child.

69. Mrs. ATTAH said she had already explained that high priority was given to education as a means of solving problems hindering women's development.

70. Mrs. KARP said she would like to know how education programmes were designed in relation to the very wide spectrum of children's rights provided for in the Convention. To what extent were they integrated with programmes for children in other fields, such as health?

71. Mr. HAMMARBERG pointed out that although children's rights and women's rights were closely linked, they were not identical. He hoped that that point could be borne in mind during the remainder of the discussion.

The meeting rose at 1.05 p.m.

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Thirteenth session

SUMMARY RECORD OF THE 322nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 September 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Nigeria (continued)

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GE.96-18323 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (continued) (CRC/C.8/Add.26; CRC/C.12/WP.4; replies of the Nigerian Government, two documents without a symbol, one in English translated into French and the other in English)

1. The members of the Nigerian delegation resumed their places at the Committee table.

2. Mrs. SARDENBERG asked whether the action plan to meet the objectives of the World Summit for Children was actually being implemented in Nigeria and whether it had served to establish a strategy for children's rights there.

3. Mr. HAMMARBERG said that it was unfortunate that paragraphs 37 to 41 of the report (CRC/C.8/Add.26) dealing with general principles were too succinct and did no more than describe the legal situation. He hoped that information could be provided on measures adopted in areas other than the law to take into account the opinion of the child. He also considered that legislation on non-discrimination was not enough in itself and that public awareness programmes were needed. He asked for further information on the way in which the Nigerian authorities interpreted the principles to which he had referred and on the practical measures that they were taking, in particular to take into account the impact of their decisions on the position of children.

4. Miss MASON asked what the legal age of majority was and whether there were different ages for different purposes and in the different States that made up Nigeria. Did marriage give minors the same civil and political rights as adults and what was the age of criminal responsibility?

5. Mr. KOLOSOV considered that the plan to bring down the age of majority from 21 to 18 was a step in the right direction. However, in view of the fact that the age differed according to the civil right involved, did the Nigerian authorities intend to grant all the fundamental rights set out in the Convention to all minors under 18 years of age?

6. Mrs. KARP asked what the legal age for marriage was in Nigeria, whether it was different for girls and for boys, what measures the authorities intended to take to end the practice of early marriage, whether the inheritance rules were different for boys and girls and what the law provided in the case of children born out of wedlock. She also wished to know how the contradictions between the principles of Islam and the principle of non-discrimination were resolved in matters of inheritance. Lastly, how was the new concept of children's participation taken into account by professionals and authorities and had any steps been taken or would they be taken, in that regard?

7. Mrs. SARDENBERG asked what plans the authorities had to encourage children's participation in social life in general, not just through legislation, but also in daily life.

8. Mrs. BADRAN asked whether it was not with the interpretation of the Koran rather than with the text itself that the general principles of the Convention were in contradiction. Had there been discussions with religious representatives from countries which interpreted the Koran in a more progressive manner?

9. In connection with education, she asked for details about special schools for girls. She also wished to know if steps had been taken to help families send their children to school and to persuade them to do so.

10. Mrs. ATTAH (Nigeria) assured the members of the Committee that all the steps taken in areas of concern to children were based on the best interests of the child. The draft children's decree should put an end to disparity of treatment according to age. At present, no age was fixed for marriage, either for girls or for boys. Nevertheless, the age of 18 years proposed in the draft decree should discourage early marriages.

11. Mr. ADEYEMI (Nigeria) explained that the age of legal majority was fixed at 21 years under common law. The legislation then established different ages for different purposes. However, it had not fixed any age for marriage, which under common law was 14, but in customary law varied from tribe to tribe and was not the same for boys and girls. Marriage did not give the child any extra civil rights.

12. With regard to rights of inheritance the legislation made no distinction, unlike customary law or Islamic law. Inheritance was governed by the regime under which the parents were married. However, under article 39.2 of the Constitution, there could be no discrimination based on the circumstances of the child's birth, and that also went for children born out of wedlock. The draft decree reproduced the provisions of the Constitution concerning non-discrimination and defined the areas in which the child's opinion had to be taken into account.

13. As far as the national action plan was concerned the National Child Rights Implementation Committee took account of it in formulating strategies that would be followed at the national, State and local levels.

14. Miss MASON asked the Nigerian delegation to explain what was to be understood by the term "widowhood practices" in paragraph 28 of the report. Were those practices based on customary law, or merely tradition, and did they have any influence on the implementation of the Convention? Were they not prohibited by law?

15. Mrs. EUFEMIO asked how the opinion of different specialists - doctors, social workers, police officers - and other persons dealing with children in difficulty was taken into account, particularly in legal proceedings, in order to safeguard the child's best interests.

16. Mrs. SARDENBERG asked for information about the situation in Nigeria with respect to the achievement of the education and health objectives of the World Summit for Children. Would the mid-term objectives be achieved and

would adjustments be necessary? Was the Government meeting any practical obstacles in ensuring children's participation in decisions affecting them that were taken in the family, at school and in society at large?

17. Mr. KOLOSOV pointed out that the list of grounds for discrimination that were forbidden under article 2 of the Convention was not exhaustive, but merely indicative. He asked whether the list would be incorporated in full into the final text of the draft children's decree. The principle of respect for children's opinions applied not only in judicial and administrative proceedings, in accordance with article 2 of the Convention, but also in many areas that were not mentioned in the Nigerian report. He was thinking in particular of the right of the child to give his opinion on his education and family life under article 12 of the Convention, which was much wider in scope than article 2. The application of that aspect of the Convention required not just the adoption of legal provisions, but also practical measures to inform and educate the persons concerned and the population at large.

18. Lastly, he wished to know whether Decree No. 1 of 1984 suspending the constitutional provisions safeguarding certain basic human rights was still in force.

19. Mrs. ATTAH (Nigeria) said that the child's best interests had been the guiding principle of Nigeria's policy even before the adoption of the Convention. Integrating the Convention into national law had merely allowed the Nigerian authorities to strengthen national legislation in areas where there were shortcomings. Nevertheless, training and information programmes were still necessary to ensure that specialists dealing with children (police, judges, social workers) and parents knew about the basic provisions of the Convention.

20. She reiterated that the provisions of the Convention and the OAU African Charter for the Rights and Welfare of the Children had been incorporated in full into national legislation and that her country was determined to apply them scrupulously. The implementation of those provisions was, however, impeded by practical difficulties, specifically because of the inadequate training and information given to the various categories of staff dealing with the protection of the child. In addition, the protection of the child had been entrusted to several ministries in succession, which meant there could be no consistent and coherent action, since each in turn had stressed those aspects of the situation of children that were most closely related to its field of competence. Nevertheless, the Federal Ministry of Women's Affairs and Social Development had recently taken over and intended to pursue a policy concentrating more on implementation of the provisions of the Convention. As an example, it had undertaken an information and public awareness campaign in cooperation with UNESCO.

21. Since promulgation of the Constitution of 1979, any discrimination against children on any grounds was forbidden. However she acknowledged that rural areas were at a de facto disadvantage in comparison with urban areas because they were further from the centres of decision-making. In addition, as far as education was concerned, the emphasis had in the past been on teaching boys rather than girls, but the gap between the position of girls and

boys was narrowing rapidly, except in a few regions where progress was being held back by the practice of marrying girls early. However, the authorities were taking action to discourage that practice.

22. Mrs. HOLLOWAY (Nigeria) said that because school curricula were standardized, all pupils in primary and secondary schools acquired the necessary knowledge that was of practical importance for them, particularly in nutrition and health.

23. With respect to the training of teachers in areas concerned with the rights of children, the Government had taken effective steps that would considerably improve the training of primary school teachers, including the introduction of a national certificate in education and the establishment of the National Teachers' Council.

24. As far as inequality between boys and girls in education was concerned, the establishment of special schools for girls was only a minor adjustment in the general system of education, designed to accommodate certain local cultural and religious sensitivities concerning co-education in schools taking girls and boys after the age of puberty. It applied only to the secondary level, only in certain areas and only to limited numbers of pupils.

25. With respect to the participation of children in the decisions that affected them, she said that children could give their opinion on decisions concerning their education from the secondary level onwards. Generally speaking, the authorities considered that the best way of ensuring respect for the childs best interests was to give him an education that fully promoted his development in all areas. To achieve that aim, the Government had not hesitated, for instance, to call upon the financial assistance of the World Bank, which was helping it to cope with the difficulties involved in the structural adjustment programme.

26. Mrs. ATTAH (Nigeria) explained that the inheritance and widowhood practices referred to by some members of the Committee were connected with traditional forms of marriage and applied in only one tribal group. The Federal Ministry of Womens Affair's and Social Development was organizing workshops on the problem and on ways of combating it.

27. Mr. ADEYEMI (Nigeria), replying to Mr. Kolosov's question, said that the provisions of the 1984 decree suspending the exercise of certain basic human rights had been abrogated in 1990. The constitutional provisions safeguarding human rights could be duly invoked in Nigerian courts. Respect for human rights was thus fully ensured in practice in Nigeria.

28. Mrs. KARP, referred to paragraph 39 of the report, which stated that the idea of the best interests of the child had been respected in Nigeria even before the Convention had been ratified. Without doubting the sincerity of that statement, she considered that the situation before and after the implementation of the Convention could not be the same. The idea of the child's best interests as embodied in the Convention more or less summed up the other principles it set forth, which were aimed at making the child a subject in its own right, and not the object of conflicting interests, e.g. in the event of marital differences. She therefore asked whether there was evidence to support the information given in the report in that regard. However that might be, ratification of the Convention ought to oblige the

State to implement a number of measures to educate persons involved in the upbringing of children. Social workers, for instance, had their own idea of the best interests of the child, which might be based on administrative or budgetary considerations. It was therefore necessary to train such persons to ensure that the interests of the child were truly at the heart of their work, in accordance with the spirit of the Convention. On another point, she asked whether the Nigerian Government was considering involving children in disciplinary procedures in schools.

29. Miss MASON drew the Nigerian delegation's attention to the final observations concerning Nigeria adopted by the Human Rights Committee, which had expressed particular concern at the suspension of certain essential human rights, such as the right to a fair trial, and at the military authorities' practice of governing by presidential decree, over which the courts had no control. The independence of the judiciary was a prerequisite for democracy. Noting that there was a question of compensation being paid to victims of breaches of fundamental rights, she asked for information on the number of cases in which the Commission on Human Rights had taken action concerning arbitrary arrests and on the results.

30. Mr. HAMMARBERG, referring to the question of relations between children and the media, pointed out that article 17 of the Convention had two aspects. The first concerned the free access of children to sources of information, while the second was designed to protect them from the bad effects of the media, and particularly from violence and pornography. In that area, legislation alone was not enough, and he asked for details on measures adopted to encourage children's participation and to educate parents. Referring to article 19 of the Convention, he asked for clarification on the legislative provisions adopted to protect children from all forms of violence and on any relevant proceedings in the courts.

31. Mrs. EUFEMIO asked whether bullying was widespread in schools, and if so, what was done about the offender and for the victim. That matter was often swept under the carpet, but it was an important one, for a child might perpetuate bad habits and transmit them to his own children in later life.

32. Mrs. ATTAH (Nigeria) entirely agreed with the view that implementing the Convention required new approaches, involving a major effort to educate children on the one hand and parents, judges, the police and social workers on the other. Such programmes were still at an early stage but the Government was resolved to put them into practice. The participation of children in disciplinary councils in schools had been authorized in Nigeria for several years. Bullying was unfortunately a fact of life, even at university. At the secondary level, when members of the teaching body knew about cases of bullying, they could take measures against the culprit, ranging from the withdrawal of privileges to expulsion. However, greater emphasis should be placed on training teachers to make children aware of their rights, and also of their duties.

33. As far as the media were concerned, ratification of the Convention had led to the launching of a programme called "Speak out", designed to encourage children to express themselves. The Daily Times, the official government newspaper, like most of the daily papers, contained special pages for children. There were also children's magazines, but not enough of them. To remedy the problem of the cost of such publications, copies were made available to pupils free of charge in most schools. The Censorship Board was combating screen violence, in particular, by establishing categories of films, so as to limit children's access to certain productions. However, the Government had much more trouble controlling the video cassette trade.

34. Violence against children took place essentially within the family. It was indeed time it was stopped. As an example to be followed, she mentioned a workshop on conjugal violence that was taking place that very day in Nigeria.

35. Mrs. NZEAKO (Nigeria) explained that the idea of the best interests of the child was taken into consideration not only in juvenile courts but also in others, including those dealing with matrimonial cases. In questions of custody, the family environment, the educational aspects and the economic situation of the parents were determinant factors. Decisions were made on the basis of statements by both parties and the evidence of the child if he was considered sufficiently mature. However, it must be realized that the situation could be a particularly traumatic one for the child; that was why a judge would not allow him to give evidence if he considered him to be too young or too vulnerable. With respect to child abuse, the criminal courts in Nigeria had always dealt with such cases, whether they involved ill-treatment, rape or sexual abuse. That being so, ratification of the Convention meant that further training ought to be organized for judges and police officers, and that would be done.

36. Turning to the question of compensation for victims of torture, she said that there was already legislation on the subject, which was applied in everyday practice by the courts. The same was true of cases of human rights violations, which could be brought before the Court of Appeal or the Supreme Court. She had certified copies of judgements in such cases, which she could make available to members of the Committee. Moreover, the judicial remedies with regard to habeas corpus or violation of basic rights had been restored.

37. Mr. HAMMARBERG pointed out that as far as violence in the family was concerned, legislation, even if it matched article 19 of the Convention on all points, was not enough. Too many people tolerated such violence even while condemning it. Political leaders ought to speak out plainly against such contemptible behaviour.

38. Turning to the question of health, he noted that information both from the Nigerian Government and from United Nations bodies and NGOs painted an alarming picture of the situation. In that connection, he stressed the virtues of preventive measures, on which the emphasis would probably have to be placed pending an improvement in the economic situation. He asked for details about the position of handicapped children in Nigeria and measures taken to combat any prejudice against them.

39. Miss MASON, referring to question No. 21 in the list of issues, asked for details concerning the number of single-parent families in Nigeria. She also wondered what the attitude of the population was to such families and

feared that the children of lone parents might be stigmatized. Specifically, she wished to know whether the fact that a child's mother was unmarried was recorded on its birth certificate. On the standard of living of such families, she asked whether there were plans for social or financial measures to assist them, over and above the Food Security Programme for Households. Was there a national minimum wage?

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

40. Mrs. ATTAH (Nigeria) said that she did not have exact information on primary health care in Nigeria. However, priority was given to preventive care, particularly for people in rural areas who accounted for most of the population. There were many health-care centres, but unfortunately they were not always as effective as they might be, because of budgetary restrictions, but some private institutions, such as the Petroleum Trust Fund, assisted in that area, helping to make good the shortcomings. In 1996, with UNICEF aid, large sums had been devoted to buying medicines and medical equipment.

41. The country had 272 special schools for handicapped children, and the authorities were trying to give such children access to the regular educational system at a later stage. Many schools for handicapped children - blind, deaf or dumb - were run by philanthropic bodies. In addition, there were two universities and other centres training specialist teachers. A recently established press would publish educational material for blind children, more and more of whom were going to university. The authorities were also encouraging employers to take on handicapped persons.

42. The role of the extended family was tending to lose its importance because of the inevitable development of society. There were increasing numbers of single-parent families mainly because of divorce. Nevertheless, children born out of wedlock were not stigmatized: in Nigeria it was considered that a child must always be looked after. Birth certificates did not state whether the child was legitimate or not: the child could bear either the father's name or the mother's.

43. As far as food security was concerned, two programmes had been set up - the Better Life Programme and the Family Support Programme - which were designed to assist women in rural areas in particular by providing them with fertilizers and other products to improve crops whether intended for sale or for direct consumption.

44. A minimum wage had been fixed by the authorities in Nigeria, but it was not enough to live on properly: nor indeed were the higher wages. The situation in country districts caused particular concern since women's wages were lower than the norm. Her Ministry would do everything possible to rectify the situation.

45. In connection with the struggle against poverty, the Family Support Programme assisted women whose husbands had lost their jobs by giving them training and loans to set up micro-enterprises. It was hard for women to obtain credit from traditional banks, and the Government was thinking about establishing a bank exclusively for women. Being aware of the difficult position for workers, the Government had reduced taxes on the lowest incomes. In addition, the National Directorate of Employment was organizing vocational training courses for young people and adults.

46. Mr. HAMMARBERG asked whether the authorities supervised the health work of the private organizations mentioned by Mrs. Attah, which sometimes had links with foreign institutions. He also noted that there were reportedly half a million people in Nigeria who were infected with the AIDS virus, and that estimate was probably lower than the real figure. Was the Government taking steps to protect children affected by HIV against any discrimination against them?

47. Miss MASON asked whether there was a social security system in Nigeria and what were the effects of polygamy on children's maintenance, custody and inheritance rights. Was there a law on child support? What action did the Government take to oblige parents to fulfil their responsibilities in regard to maintenance? She also wished to know the circumstances in which children could be taken from their family environment and whether there were any cases of children having suffered physical or sexual ill-treatment. Were such children then separated from their families?

48. Lastly, it appeared that none of the States of Nigeria had an adoption law. She therefore asked what action had been taken to combat corruption in States with no adoption laws. Was adoption common practice in Nigeria - in particular, international adoption? She asked for further information on access to health care, sex education at school and suicide and pregnancy rates among adolescents.

49. Mrs. KARP asked whether adolescents could obtain information from the health services, e.g. on sex, drugs or AIDS, and have medical treatment without their parents' knowledge. Did the rural population have easy access to such services? At what age could girls have an abortion?

50. Mrs. EUFEMIO asked what role the community played in order to compensate for the disappearance of the extended family, since the Convention established the child's right to have a family. She also asked what distinction was made in Nigeria between fostering and adopting children.

51. Mrs. ATTAH (Nigeria) said that in Africa the tradition was that in case of need a woman could give one or more of her children to her own mother to care for. Fostering was a temporary measure, while adoption was permanent.

52. Private hospitals were duly registered by the federal or national authorities supervising them. Recently the State had threatened to close several private hospitals which were not up to standard. She regretted that she did not have specific information on the number of children with AIDS, but stressed that the Ministry of Health had a programme and a committee to make the population aware of the risks of HIV infection.

53. There was no social security system as such in Nigeria, but the Ministry of Social Protection and the federal and national authorities cared for newborn babies whose mothers had died in childbirth, for elderly or handicapped persons and persons who needed assistance.

54. Cases of a child being removed from its family were extremely rare. Adoption legislation did exist throughout Nigeria, but varied from one State to another. Traditional medicine was widely used in Nigeria, particularly in rural areas, and patients did not hesitate to turn to it when modern medicine did not give them satisfaction. There were no cases of adolescent suicides,

but there were cases of adolescent pregnancies. Nevertheless, abortion was prohibited unless the birth of the child would endanger the mother's health. Single mothers could receive assistance from various public and private organizations.

55. Nigeria had no statistics on single parent families. As far as sex education was concerned, officials from the Ministry of Health regularly visited schools to give pupils information about the dangers of drug taking, abortion and HIV infection.

The meeting rose at 6 p.m.

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Thirteenth session

SUMMARY RECORD OF THE 323rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Nigeria (continued)

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (continued) (CRC/C/8/Add.26; CRC/C.12/WP.4)

1. At the invitation of the Chairperson, Mrs. Attah, Mr. Abuah, Mrs. Ali, Mr. Waminaje, Mr. Nzeako, Mr. Adeyemi, Mrs. Holloway, Mr. Gwam, Mrs. Mowoe, Mr. Dankani, Mr. Indabawa, Mr. Atunwa, Mr. Nwabiala and Mr. Oladeji (Nigeria) resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on the sections of the list of issues (CRC/C.12/WP.4) entitled "Family environment and alternative care" and "Basic health and welfare".

3. Mrs. BADRAN, referring to Nigeria's poor health indicators, said she hoped that preventive health would be given higher priority and asked whether Nigeria had conducted a mid-decade evaluation of the health sector

4. Mr. HAMMARBERG said that the UNICEF Situation Analysis Report on Children and Women in Nigeria created the impression that Nigeria's emphasis on preventive health care had been the result of a relatively recent shift in policy. He requested clarification on how the Government planned to ensure that preventive health care received the urgent attention it deserved.

5. Mrs. EUFEMIO said the extended family was extremely important in view of the increasing numbers of working women and households headed by single mothers in Nigeria. She asked whether the Nigerian Government had any ideas on how the breakdown of the extended family could be prevented.

6. Mrs. ATTAH (Nigeria) said that her Government had never given higher priority to curative health care than to preventive health care. There had always been dispensaries throughout Nigeria and they were staffed by nurses and public health officers. Teaching hospitals had been introduced relatively recently. The Government had stressed the need for an increase in the number of medical centres to cope with the increase in the size of the population. She said that she did not know on what basis UNICEF's conclusions had been drawn.

7. The text of the National Health Plan 1996-2005 and other documents available to the Committee showed that a mid-decade evaluation of the health sector had been carried out.

8. The gradual breakdown of the extended family network was difficult to prevent because it reflected the erosion of the population's financial situation. Whereas, formerly, families could support and raise the children of less prosperous relatives, economic hardships had threatened the continuation of such customs. The extended family was nevertheless still a strong institution in Nigeria and there were only very few elderly persons in homes for the aged.

9. The CHAIRPERSON said it was regrettable that there was no representative of the health services present to clarify the situation.

10. She invited the members of the Committee to ask questions on the section of the list of issues entitled "Education, leisure and cultural activities".

11. Mr. HAMMARBERG said that, while the certification of teachers and teacher registration were positive steps towards improving the quality of primary education, those steps had to be combined with measures that made the teaching profession more attractive. There had been some unrest among teachers due to poor working conditions and delays in the payment of their salaries. He was nevertheless not sure whether the certification and registration of teachers would be enough to solve problems in that sector and suggested that firmer action, with budgetary implications, was required. He therefore urged the Government to give higher priority to primary education.

12. School curricula had to be improved through the adoption of new teaching methods and meaningful life skills must be taught in accordance with the spirit of the Convention. Since corporal punishment was still practised in schools, although it was prohibited by law, he would like to have more information on the Government's policy in that regard.

13. Mrs. BADRAN asked whether Nigeria had considered conducting studies to identify non-traditional ways of improving the situation of teachers and the educational system in general. She also wished to know whether the results of the World Bank-assisted primary education project for 1991 to 1996 had been evaluated and whether the Government had a feeding programme to deal with the problem of malnutrition among schoolchildren.

14. Mrs. KARP said that she wished to know how the curriculum was used to promote the goals of the Convention. Was the teaching of the Convention compulsory? Were teachers informed of the meaning of the Convention and how they could use it as a teaching tool? What was done to promote the participation of children and to teach them how to exercise their rights under the Convention?

15. She was interested in hearing what was done in schools to increase awareness of child abuse and its symptoms.

16. Miss MASON, referring to the disarray in the primary school system, drew attention to the importance of parent involvement. She asked what role parent-teacher associations played in helping to prevent the deterioration of the educational system.

17. Mrs. EUFEMIO said she was convinced that the problem of single-parent households and the breakdown of family life could be dealt with at an early stage in the development of children. She asked whether Nigeria had targeted early-childhood education as an area in which behavioural patterns that would lead to harmonious relationships later in life would be instilled in children.

The meeting was suspended at 10.35 a.m. and resumed at 10.45 a.m.

18. Mrs. HOLLOWAY (Nigeria) said she agreed that education was Nigeria's highest priority for the total development of the child. In view of the need to improve the appeal of the teaching profession, the Government had recognized that the educational system was only as good as its teachers. With

regard to the idea that the primary education system was in disarray, she pointed out that primary school teachers had not taken any strike action in the past five years to protest against salary levels. The purposes of the latest strike, in 1993, had been the restoration of the National Primary Education Commission and the establishment of the Teachers' Council. Several measures had been implemented to improve teachers' conditions of service and she was pleased to report that teachers' salaries had reached the levels of those paid in the civil service 10 years earlier. Proposals submitted by the Nigerian Union of Teachers for a separate salary scale for teachers were being considered by the Government.

19. With regard to delays in the payment of salaries, she explained that, since the reinstatement of the National Primary Education Commission in 1993, the budget had been able to cover salaries, teaching materials and basic repairs of physical infrastructure and all salaries had been paid on time.

20. Protests had been staged in favour of the promotion of teachers at the primary and secondary levels, but it was because teachers formed the largest group in the Nigerian workforce that their promotion was not as rapid as in other sectors of the labour market.

21. Expenditure by the National Primary Education Commission on school repairs was still insufficient, but the Petroleum Trust Fund was expected to invest substantially in the rehabilitation of school buildings and the supply of instructional materials to primary and secondary schools in the country.

22. A proportion of the loan from the World Bank was also to be spent on books. Every child in primary education was to be provided with books for the four basic subjects: mathematics, English, social studies and elementary science. The textbooks for the first year had already been distributed and those for the second and third years were currently being printed.

23. Corporal punishment was not permitted by the legislation of any State, but, in practice, cultural influences meant that it did take place here and there. Where corporal punishment was administered in a school, it was strictly controlled and the school's own advisory board would have defined the circumstances in which it could be used.

24. Reference had been made to the need for a child-centred educational policy. The National Policy on Education, first enacted in 1977, revised in 1981 and now being revised again, set the child firmly at the centre both of the structure and the content of the educational system. As a result of the Policy, Nigeria had for the first time a centrally devised curriculum, listing and giving reasons for each of the topics taught and outlining the method of teaching. The basic principle of the current curriculum was diversification of the child's experience. Intellectual, practical and vocational skills were to be imparted that would benefit the child in life beyond school. Elements of practical and pre-vocational training were present at all levels.

25. The economic problems of the last decade had affected every area of national life. It had been suggested by members of the Committee that the scarcity of resources called for an exploration of non-traditional ways of providing education. Much had already been done and was still being done in

Nigeria in that direction. Since the mid-1980s, the Educational Research Council had been studying alternative ways of delivering quality education. Models had been developed in cooperation with UNESCO and UNICEF, at the pre-primary and primary levels especially, whereby children could learn without books and science could be taught without expensive equipment and materials.

26. One member of the Committee had asked whether there had been any evaluation of the World Bank-assisted project begun in 1992, and of its training component in particular. She regretted that there had been some delay in the implementation of the project because of the difficulty of counterpart funding and because the evaluation which should have been carried out in 1995 had been postponed to 1997. The training component was just beginning and some time would have to elapse before it could be evaluated.

27. In response to the question about provision for the health of schoolchildren, she recalled that it had been written into the National Policy on Education that every schoolchild should be seen regularly by a health worker. Unfortunately, that had not proved possible in practice because of the lack of resources. Instead, the schools made local arrangements where they could. Health care was therefore not institutionalized as provided for in the Policy but she emphasized that every child had access to, at least, a primary health-care worker. The new curriculum included a large health education component at every stage.

28. School meals were not provided on a nationally institutionalized basis. Most day schools arranged for local food sellers to bring cooked food to the school for sale to the children under the supervision of the school authorities, but, as the country's economic problems grew worse, fewer children could afford to buy it. The Government continued to provide food for boarding schools at subsidized rates. The Ministry of Education was in contact with the World Food Programme, especially about nutritional aspects. Developments in the Ministry, however, had not yet been translated into action in the schools.

29. Questions had been asked about the part played by the national curriculum in encouraging the teaching of the Convention and promoting the participation of children. Under the new curriculum, the subject of social studies was taught at the primary and junior secondary levels. Under that heading, the child received training in his own rights and responsibilities in society that incorporated much of the Convention's content. Even the first year of primary education included social studies and, at the university level, social studies formed part of the general studies programme which was compulsory for graduation.

30. A question had been asked about the way in which the national curriculum was used to develop children's participation and freedom of expression. The kind of freedom of expression developed by the curriculum had to take account of cultural norms in Nigeria, for example, respect for elders. The Educational Research Council had worked hard to reconcile the principles of participation and freedom of expression with those cultural norms and children now in school undoubtedly spoke more freely than children had during her own school days. There were also extracurricular activities, such as debating

societies and popular television programmes, which encouraged self-expression. Children were encouraged to attend the reading centres set up all over the country, where books and magazines of interest to children could be found.

31. With regard to participation by children in school discipline, she said that, in all secondary schools, there were disciplinary committees composed partly of teachers and partly of children and sometimes including representatives of the school's parent-teacher association. As to the way in which the curriculum might be used to raise awareness of child abuse, she said that the main approach was through social studies. Children were taught how they should expect to be treated. She noted that cultural norms in Nigeria relating to the protection of children were sometimes more advanced than the Convention itself.

32. The role of parent-teacher associations (PTAs) in the development of the educational system was considerable. Local PTAs had long been strong in Nigeria and a National Parent-Teacher Association had been founded in the early 1990s. Representatives were invited to participate in every policy decision at the national level. About three years previously, PTA branches had come from all over the country to participate in consultations about the way forward for the educational system. At the local level, PTAs injected almost as much funding into the schools as local Governments. They repaired buildings and provided furniture for both primary and secondary schools. They were extremely supportive and understood fully that their support meant the difference between poor and quality education. She emphasized again that the primary and secondary school system in Nigeria was not in disarray. There was a stalemate at the university level, but at the lower level the system was functioning satisfactorily.

33. As far as early childhood education was concerned, the emphasis on pre-primary schooling was fairly recent. Formerly, it had been the domain of private schools, but, with the assistance of a UNICEF-supported programme on early childhood and development, it had become more widespread. The UNICEF scheme had developed an awareness at the grass-roots of the possibilities of voluntary community action.

34. In reply to the question whether mothers were educated to foster stability in family life, she said that cultural norms meant that separation of husband and wife happened less easily in Nigeria. The culture supported and cemented family life and made parents aware that they should stay together for the good of their children. A related question had been how preschool activities could be used to create awareness of family at an early stage. Toys and family games had been common in Nigeria for many generations, before the Convention had ever been adopted.

35. The considerable proportion of children not enrolled in the formal school system were also served by the national curriculum. In Muslim areas, a large number of children attended Koranic schools, in accordance with their parents' preference. Work had started some years ago, with the support of UNICEF, on integrating formal education into religious schools. In the northern States, consultations had been held between religious leaders and education professionals with a view to determining how that was to be done. It was

hoped that integration would have been achieved within another two years and that children in Koranic schools would be receiving many of the elements of the formal education system.

36. Mr. INDABAWA (Nigeria) said that many of the Committee's questions concerned the theory of child-centred education. Efforts had long been made in Nigeria to put that theory into effect. It had now been translated into practice in the teaching of many subjects, especially at the primary and junior secondary school levels. Along with the textbooks for each subject, teacher's guides were prepared, which the teachers were expected to use and which required the pupils' active participation. The requirement was strictly adhered to and school inspectors always looked for active involvement on the part of the children. The philosophy was instilled into teacher trainees at the training colleges. Provision was also made for teacher retraining to enable serving teachers to acquaint themselves with new ideas and skills.

37. The non-formal sector, in other words, the Koranic schools, constituted an interesting feature of the Nigerian educational system. Children entered those schools very early and were allowed to proceed entirely at their own pace, in keeping with the theory of child-centred delivery.

38. In addition to participatory rights in matters of the curriculum, school children in Nigeria had many other means to develop their capacity for self-expression. There were clubs of all kinds in every school, and they were one of the attractions of schooling. Pupils were involved in matters of discipline through the appointment of school prefects and class monitors. Such appointments offered valuable training in leadership and in serving others.

39. Regarding the involvement of PTAs, he noted that there were plans by the National Primary Education Commission and the corresponding State boards to formalize the involvement of parents. The practice had been successful in many countries, giving parent-teacher associations a formal role in monitoring staff performance, student discipline, academic achievement and so forth.

40. As to school meals, he said that, although the economy made it impossible to provide meals nationwide, efforts were being made in some areas to provide one meal a day. Many parents in some parts of the country preferred their children to attend Koranic schools and the meals were provided in order to attract them into the formal sector. At all boarding schools, meals were provided three times a day and their quality monitored by the Federal Government.

41. The new Children's Decree was intended to regulate the many institutions for children under six years of age outside the formal school system, such as day-care centres and nursery schools, to see that they were registered and integrated into the formal sector.

42. Miss MASON asked how the curriculum described fitted into the special system of education for the children of nomads and fishermen. Was the emphasis academic or did the system concentrate on life skills?

43. The CHAIRPERSON invited the Committee to ask questions on the section of the list of issues entitled "Special protection measures".

44. Mrs. SANTOS PAIS said she had been somewhat surprised to learn that juvenile courts were competent to consider criminal cases, since she had understood from paragraph 36 of the report that a child below the age of seven could not commit an offence. If that was so, why were children brought before the juvenile court? What kind of sentences were passed in respect of such children and how was it ensured that the child's best interests were taken into account? Under the Children's Decree, children would be brought before family courts and "appropriate" measures would be applied. What was to be understood by "appropriate" and could the Committee be sure that such measures would be in conformity with the rights of the child?

45. It had been stated that "special measures" would be applied in the case of a child between 14 and 17 years of age. What were those special measures and what assurance was there that the fundamental rights of the child were respected and that legal safeguards, particularly those prescribed in article 40 of the Convention, would be applied by the courts? It had also been stated that, in future, no pleas would be taken in such cases and that proceedings would be "informal", but would those proceedings provide for fundamental rights and legal safeguards?

46. The Convention clearly stated that capital punishment could not be imposed below the age of 18 years. In Nigeria, the age was set at 17, which was not in conformity with the Convention. How many children had been subjected to that punishment? She noted that, as an alternative, a child could be detained "during Her Majesty's pleasure", a formula which was in use in a number of countries. However, it gave the impression that the judge's decision in the matter was likely to be highly subjective.

47. The Convention stated that children should be deprived of their liberty only as a last resort and for the shortest possible period of time. How could deprivation of liberty ensure the social reintegration of the child? Section 306 of Nigeria's Criminal Code stated that killing was unlawful unless "authorized, justified or excused by law". That seemed to be an indirect justification of killing and did not appear to be consistent with the need to respect and protect the right to life. What guarantee was there that it would not be used in an arbitrary way?

48. In its replies, Nigeria had stated that there were currently 294 children deprived of their liberty, some on the grounds that they were beyond parental control. In such cases, were no other measures considered, particularly those provided for in article 40, paragraph 4, of the Convention? In cases where a child had been abandoned or had left a rural area to live on the streets, how was parental control assessed and how could it be determined that deprivation of liberty was not merely an easy way out? Street children were a particularly vulnerable group and it was important that their rights should be defended.

49. She would appreciate more information on conditions in places of detention. According to Nigeria's replies, parents were allowed to contact their children "from time to time", but that did not seem enough in view of

the fact that children could be deprived of their liberty from the age of 12; the Convention required that such children should be in regular contact with their families. The report stated that there was some degree of supervision within the correctional system, but was any kind of independent monitoring carried out that would give children an opportunity to make complaints?

50. Mrs. KARP asked what steps were taken to monitor school attendance. What action was taken with regard to drop-outs and to their parents? Were data available on the results of any monitoring carried out?

51. She understood that a number of rehabilitation centres had been built for street children and that more were planned under the Children's Decree. How many street children were in fact reached by those measures? Had any studies been made on the impact of street life on the development of prostitution and what was the Government's policy in that regard? Were there services to help child victims of sexual or other kinds of abuse to make complaints to the police and give evidence in court?

52. Lastly, she would like to know more about how the law prohibiting pornography was implemented and what priority was being given to that problem by the authorities.

53. Mrs. BADRAN noted that, during the discussion, the Nigerian delegation had frequently referred to the important role of religion in the education of children. What kind of training did religious leaders receive and did they teach independently or as employees of the Government?

54. Had any study been made of what kind of complaints were made to the Child Rights Monitoring Centres and what kind of assistance was given following such complaints?

55. It had already been pointed out that the imprisonment of children should contain an element of therapy. Did the staff of prisons where children were held include social workers and counsellors who could provide such therapy and help the child achieve social reintegration?

56. Mr. HAMMARBERG pointed out that the expression "as a last resort" in article 37 of the Convention was often misunderstood as referring to children guilty of serious crimes; in fact, it meant that prison could be resorted to only if there was no other way of giving the child the protection it needed. The phrase "for the shortest possible period of time" implied that other measures than prison sentences should be sought. The documentation available to the Committee indicated that there was need for a radical review of the whole system of administration of juvenile justice in Nigeria; was such a review planned and what was the role of the Minister of Child Affairs as guardian of the interests of children in that vulnerable group?

57. Very little was said either in the report or the replies about the problem of child labour, apart from the statement that laws existed, but there were insufficient resources to monitor their implementation. Within the limits of available resources, what steps were being taken to protect children from abuses which could endanger their health and put their education at risk, as required under article 32 of the Convention?

58. Mrs. HOLLOWAY (Nigeria), replying to the question raised by Miss Mason, said that it was only in relatively recent times that the children of pastoral nomads and migrant fishermen had been given any formal education. Following studies conducted with the help of UNESCO, a National Commission for Nomadic Education had been set up in 1989. It had been recognized from the beginning that such children needed not only numeracy and literacy, but also skills relevant to their lifestyles and the normal primary school curriculum had thus been adapted to suit their needs. They were given instruction in the care of livestock and other agricultural skills, as well as in crafts. Those who went on to secondary education would enter normal schools, usually boarding-schools. At the post-secondary level they might go on to study at agricultural colleges or to train for other professions.

59. On the question of school drop-outs, she pointed out that primary education, although free and universal, was not yet compulsory in Nigeria. The drop-out rate at the primary level had peaked in 1987 at 51 per cent, but had fallen to 29 per cent in 1992 and it was hoped that, by the turn of the century, it would have dropped to between 1 and 5 per cent.

60. The education provided for street children was non-formal in nature, combining the teaching of literacy with vocational training. There were also a number of initiatives by non-governmental groups in that field.

61. Miss MASON noted that no information was given in the report on the problem of the sexual abuse and sexual exploitation of children. That problem transcended all boundaries and was not confined to children in developing countries or to children in situations of poverty. Many societies considered it taboo and, as a result, it could sometimes remain undetected, to the detriment of the child's mental and physical health. It was an area of the rights of the child that was least recognized and least often upheld.

62. In the case of Nigeria, she herself would put child marriage into the category of sexual abuse and exploitation. What was the Government's policy on the matter and what was its policy on other forms of child abuse, such as incest? Did the discovery of such an offence automatically result in the removal of the child from the home and were teachers trained in early detection of abuse? Was there a system of mandatory reporting by doctors and were police given training in how to deal with potential child victims? How did judges deal with child victims in rape cases and was there coordination between professionals dealing with children in that area? Did Nigeria consider that its judicial system was adequate to protect children in such cases and how was the child's right to privacy protected? Was it left to the judge's discretion whether or not to accept evidence given by a minor?

63. The Nigerian delegation had stated that several educational programmes were under way to discourage child marriages; what was the content of those programmes and did they involve the use of the mass media? Had any research been done on how to further the psychological and social reintegration of the child in such circumstances? Were there telephone help-lines for abused children and were refuges for them provided? Lastly, what was the level of compliance with article 39 of the Convention in that regard?

64. Mrs. EUFEMIO said it had been stated that in Nigeria children as young as four or five years old were sometimes taken into families as domestic helpers because their parents were poor or in debt. What was the effect of that practice on the child's development, how could its right to protection against economic exploitation be guaranteed? Was the Government considering the elimination of child labour, possibly using as a guide the ILO programme on the subject?

65. Miss MASON asked whether, in the light of the fact that Nigeria had been one of the countries represented at the recent Stockholm Congress, any initiatives had been taken to halt the commercial sexual exploitation of children by legislative or other measures.

66. Mr. INDABAWA (Nigeria) said that the age of criminal responsibility was a theoretical concept. It was more meaningful to consider what happened to children in actual practice. The fact that children were considered by law to be responsible for their acts at an age below 18 years did not necessarily mean that they were subjected to criminal proceedings. In Nigeria, the juvenile courts, which considered children's cases, were not criminal courts; under the Children and Young Persons Law, their function was to consider the welfare measures most appropriate for the rehabilitation of the children brought before them whom they found to have committed acts calling for such intervention. Hence, even children as young as seven, who were not deemed capable of committing a crime, were dealt with by the juvenile courts. In practice, therefore, Nigerian law operated no differently from any other juvenile justice system. The draft Children's Decree had gone beyond the setting of a theoretical age of criminal responsibility with all the conceptual difficulties that it involved; it had instead established the age, at 18 years, below which criminal processes and sanctions would not be applicable.

67. A question had been asked about the appropriateness of the decisions of the juvenile courts. Such courts were at present operating under the provisions of the 1958 Children and Young Persons Law, which were consistent with the Convention. The draft Children's Decree would go even further; it stated that nothing in the Convention would invalidate any more favourable provision of Nigerian laws relating to the rights of the child. The guiding principle of present and future law was to put the best interests of the child first, and that was consistent with the welfare model of juvenile justice administration and ensured that no violation of the rights of the child occurred. The draft Children's Decree would enact into domestic law all the provisions of the Convention and of the OAU Charter on the Rights and Welfare of the Child; in particular, it would oblige the courts to respect the legal status and rights of the child and fully guaranteed such rights as the presumption of innocence, the right to be notified of charges, the right to remain silent, the right to the presence of parent or guardian, the right to legal representation and free legal aid.

68. Child rights monitoring centres now existed in Nigeria. A report on their work had been published earlier in the year.

69. With regard to deprivation of liberty for children beyond parental control, section 26, subsection 2, of the Children and Young Persons Law provided that such action should be ordered only as a last resort. There was a wide range of other measures open to the courts before having recourse to deprivation of liberty. Under the Children and Young Persons Law, the police and social welfare workers were obliged to ensure that parents participated at all stages of an investigation and proceedings involving children. Parents who refused to do so could be charged with contempt of court. Provisions for the involvement of parents at every stage were set out in even greater detail in the draft Children's Decree in recognition of the fact that parents had the ultimate responsibility for the resocialization of children.

70. The protection of children against pornography was at present provided for by the 1961 Children and Young Persons Harmful Publications Act. Those provisions would be further strengthened by the draft Children's Decree.

71. The 1990 Nigerian Labour Act already regulated the employment of children. However, the draft Children's Decree would specifically prohibit exploitative labour. The absolute prohibition imposed by the latter on the employment of children in domestic service outside their own families had been introduced in recognition of the problems that the monitoring authority, namely, the Ministry of Labour and Productivity, would encounter in monitoring domestic environments, given its limited resources. However, parents would still be entitled to ask children to undertake light domestic chores in their own homes. That was a tradition in the African family.

72. Nigeria's present economic difficulties had inevitably affected the prison sector, but in any event there was no strong drive to build more prisons since that tended merely to increase the prison population. Attention was instead being focused on encouraging the courts to seek alternative remedies; the preparation of a set of sentencing guidelines was under consideration. Under present law, only young persons between 14 and 17 years of age were liable to a prison sentence, but then only as a last resort in particularly recalcitrant cases. Approved institutions other than prisons were available in Nigeria for the treatment of young offenders, although not in great numbers, not merely because of the shortage of funds, but also because the institutionalization of children and young people was not part of the national culture. Alternatives were therefore being encouraged.

73. Under present law, capital punishment had been abolished for all persons under 17 years of age. The draft Children's Decree merely raised that ceiling by a further year to 18. Once the draft Decree had entered into force, no child in Nigeria would be subject to capital punishment or to imprisonment.

74. The CHAIRPERSON said that the Committee was particularly interested in finding out whether Nigeria had any consistent policy for the social rehabilitation of all the groups of vulnerable children mentioned, such as street children and those affected by early marriage or prostitution.

75. Mr. WAMINAJE (Nigeria) said that no legislation currently existed to prevent child marriage, although the draft Children's Decree would prohibit the practice. Social workers had been organizing workshops throughout the Federation to familiarize the general public with the idea that child marriage

should be discouraged. As a measure to discourage the sexual abuse of children, the law prohibited an adult from fostering a child of the opposite sex.

76. The employment of children in domestic service in exchange for payment or as restitution of a debt was not a common practice in Nigeria. Families did, however, take in related children or children living in the neighbourhood as part of the cultural tradition of mutual assistance, all children in a neighbourhood being considered the responsibility of all the adults there, and an effort was made to pass skills on to them.

77. Social workers were assigned to any children in detention to help them and their parents prepare for the time of their release and re-acceptance into society. Very few cases of sexual and other exploitation of children were seen in the courts because they were rarely reported. Any complaints of such acts made to the authorities were pursued, offenders were prosecuted and victims and parents were counselled.

78. Mrs. ATTAH (Nigeria) said that Nigeria had very few children who slept in the streets. Street children generally lived with their parents, but spent their days on the street selling various articles. Full-time street children were found only in the large cities. The responsibility for their care and rehabilitation lay with the Government of the State concerned. Lagos, with the largest number of such street children, had recently established an institute to provide such children with vocational training and house them until they had found work and were able to live independently.

79. The CHAIRPERSON invited the members of the Committee to submit their concluding observations on the statements made by the Nigerian delegation.

80. Mr. HAMMARBERG said that the Committee was placed in a difficult situation with regard to the draft Children's Decree. Since it did not have the text of what would undoubtedly be a major piece of legislation, it was unable to discuss it constructively. The time when the decree would be enacted and the text available for analysis was eagerly awaited.

81. The transfer of the child rights unit from one ministry to another had evidently caused some difficulties. He hoped that the Ministry of Women's Affairs would also come to include children's affairs, so clarifying where fundamental responsibility for children's rights lay. There appeared to be a need for further discussion of coordination within Government circles and with the authorities at the State and local Government levels.

82. No answer had been given to question 4 on the list of issues relating to the proportion of the national budget devoted to expenditure on children. He recommended that serious consideration should be given, despite current economic constraints, to ensuring that children did not lose out in the competition for scarce resources. He hoped that consideration might be given to making further resources available for health and education from the Petroleum Trust Fund.

83. Further efforts to change attitudes towards traditional practices and the corporal punishment of children would be welcomed.

84. Mrs. SANTOS PAIS said that high priority should be given to the enactment of the draft Children's Decree. Once that had been done, the Committee would be in a position to discuss its compatibility with the Convention. It was very important that legislation should give the right message to society at large and that it should educate people about what was acceptable behaviour. In some areas, such as justice and child labour, existing law appeared out of step with the Convention. It was important that there should be a clear prohibition of capital punishment for persons under 18 years of age. It would also be preferable if Nigeria repealed the alternative measures contained, for example, in section 306 of the Criminal Code, since they still provided for execution under certain circumstances.

85. She welcomed the moves towards raising the age of criminal responsibility to 18, in accordance with the Convention. Current legislation still allowed children as young as 12 to be recognized as capable of understanding the wrongfulness or otherwise of their acts, and that left room for subjective interpretations and arbitrary decisions.

86. Care had to be taken to ensure that the distinction between criminal proceedings and social welfare measures was not merely one of form, but also one of substance. Legal safeguards needed to be put in place to guarantee that any welfare measures applicable would not be incompatible with the Convention. Any child liable to a decision involving deprivation of liberty should be accorded prompt access to legal assistance and to an impartial decision by a court on the issue. Every effort should be made to find alternatives to institutional care before a child was deprived of liberty.

87. Some rethinking was perhaps needed in references to parental control or to the need for parents to be present. In cases where children were the victims of parental abuse, the presence of parents might not be in the child's best interests; the law should take such circumstances into account.

88. It should be an independent body, and not the authorities responsible for implementing welfare measures or the administration of places in which children were deprived of liberty, which monitored such activities.

89. The legislation on child labour was considered to focus too exclusively on specific exclusions or conditions. It would be better for the emphasis to be placed on the child's right to health, education and harmonious development and for it to be clearly stated that, unless employment was compatible with those rights, it would not be permitted.

90. Mrs. KARP said it was essential to ensure that the legislation was being effectively implemented in practice. Decentralization was very important, as were the inclusion of local authorities in an integrated policy and the involvement of implementation committees at the local level. Local authorities should also be involved in budget decisions.

91. A comprehensive national social security programme was a necessity. No reply had been received with respect to prostitution and pornography in relation to children. Legislation alone would not be sufficient in that regard; measures to ensure restoration of health and social rehabilitation also had to be adopted.

92. It was hoped that a report on the delegation's meeting with the Committee would be published on its return to Nigeria, together with an indication of what action the Government intended to take as a result of that dialogue.

93. Mrs. BADRAN said that the statement in the report that child mortality in the under-five age group was rising in Nigeria indicated that the health sector should be given equal priority with education.

94. The CHAIRPERSON said there was a need to harmonize the informal and official systems of education. There was also a need for the systematic collection of data relating to the different categories of children in very difficult circumstances.

95. Mrs. ATTAH (Nigeria) said that the draft Children's Decree, which had been submitted to the Ministry of Women's Affairs and Social Development for additional input, had already been returned to the Ministry of Justice for further action. She would personally make every effort to ensure that the decree became law without delay and would provide copies of the text to the Committee thereafter. The Committee would also be kept informed of any other material published subsequent to the promulgation of the Decree.

96. Child prostitution was not a serious problem at present in Nigeria. Her country had, however, sent a delegation to Stockholm to learn from other countries' experience in dealing with the problem.

97. Her delegation had greatly appreciated the open manner in which the dialogue with the Committee had taken place and had endeavoured to provide comprehensive answers to the questions asked. It realized that such dialogue was an ongoing process and would be happy to continue to provide any other information that might be required.

98. The CHAIRPERSON thanked the Nigerian delegation for its contribution to the dialogue with the Committee. The Committee's conclusions and recommendations would subsequently be finalized and submitted officially in writing to the Nigerian Government, which, it was hoped, would take steps to make them public.

The meeting rose at 1.15 p.m.